

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JUNE 18, 2001

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, June 18, 2001, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Vice-Chair
Kelly Tobin
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

Gary Priebe

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Chairman Townsend said item 11 would be heard after item 4.

Motion was made by Rita Venner to approve the agenda as amended. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Lori Glanzman said the minutes needed to be changed to reflect that Kathryn Murphy had adjourned the May meeting.

Motion was made by Rita Venner to approve the minutes of May 21, 2001 meeting. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Director Jeffrey Vonk reviewed the section of the Iowa Code pertaining to the duties of the Commission. He said he takes the role of the Commission very seriously and the policies that they approve give the Department direction. He said he recently had the opportunity to attend a public meeting in Colwell, Iowa that had been organized by Senator Soukup regarding a

proposed swine facility. Over 200 people were in attendance for this emotional topic. He believes attending these types of meeting are important to better understand the issues and he encouraged the Commissioners to attend them if they had the opportunity. He said the Governor has begun an organizational review of all state government and he had been chosen to head up the Environmental Enterprise Planning Team. His team will undertake the review of programs and staffing in order to target dollar savings, flattening the organizational structure, and improving efficiency for the Department of Natural Resources, Department of Transportation, and Department of Agriculture.

Kelly Tobin asked what the results of the Colwell meeting were.

Jeff Vonk said the frustration that people have is because there are no results. It is his understanding that the proposed facility plans to conform with all of Iowa State Law and will be constructed at a level where no construction permit will be needed. So assuming that they plan to comply with construction standards and submit the necessary manure management plan the facility will go forward. This meeting allowed people to talk about their concerns but until there are changes in the Iowa Code these types of facilities will probably continue to be sited and built.

ADOPTED AND FILED – CHAPTER 567 – 111 FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is again requested to approve the proposed new Chapter 567-111, Financial Assurance Requirements for Municipal Solid Waste Landfills by rescission and adoption of the revised chapter. This revises the financial assurance rules to more closely resemble current federal requirements. Procedures for review of financial assurance instruments by the Department are included. This action is intended to satisfy the concerns raised in the Petition for Rulemaking filed by the City of Henderson on May 31, 2000 and to satisfy the Governor's Executive Order requiring an agency-wide review of each administrative rules chapter. The Department intends this rule to become effective July 18, 2001.

The Department has received significant public input in regard to the revisions of Chapter 111. The proposed chapter was revised to address the majority of the concerns expressed. Additionally, input was sought from the Office of the Auditor of the State and the proposed revisions of the Auditor are incorporated into the chapter. The public comments received and responses are summarized in the Responsiveness Summary.

Additional information will be presented at the meeting regarding closure/post closure and financial assurance accounts at various landfills in Iowa, based on a request from the Commission.

At this time, the Commission is requested to approve the proposed new Chapter 567-111, Financial Assurance Requirements for Municipal Solid Waste Landfills by rescission and adopted of the revised chapter.

(A copy of the final rule is available in the Departments Record Center.)

Motion was made by Kathryn Murphy to remove the item from the table. Seconded by James Braun. Motion carried unanimously.

REMOVED FROM TABLE

Liz Christiansen gave a PowerPoint presentation that explained the chapter and changes made to it. She said Chapter 567.111 was a complicated rule that outlines financial criteria for closure, post closure care, corrective action and some options for financial assurance for landfills. For closure/post closure a professional engineer must provide an estimate of hiring a third party to close the landfill and conduct post closure care. Those estimates must be made for the time it would be most expensive to close the landfill and must be updated annually. The owners must establish accounts for closure/post closure. The Iowa Code states that funding must be based on the amount of waste received but currently the Department does not have a rule for this aspect. Estimates and the financial assurance documentation are required to be submitted to the Department every year by April 1. The corrective action portion of this rule ensures that adequate funding is available for required activities as a result of a release to the environment. A professional engineer must provide a detailed estimate of hiring a third party to conduct the corrective action and that estimate must be adjusted annually. She said financial assurance is a separate issue from closure/post closure accounts but is closely related. Public and private landfills can use a variety of financial assurance mechanisms to ensure that funds are sufficient and are available when they are needed to cover the cost of closure and post closure and corrective action. The options that are available to both public and private landfills for financial assurance mechanisms include a trust fund, a surety bond, an irrevocable letter of credit, insurance, corporate financial test, local government test, corporate guarantee, local government guarantee, and local government dedicated fund. She reviewed the mechanisms and the restrictions on each. The owner of a landfill is allowed to use more than one financial mechanism per facility or use one mechanism for more than one facility. She said the Department is planning to set up a technical advisory committee to draft a proposed rule for Iowa Code 455B.306(8)b, which requires landfills to set up the account for closure/post closure based on the amount of waste they have coming in and bring it to the Commission in October to begin the formal rulemaking process.

Jon Tack said that since the May meeting the Department has met with concerned parties to discuss ways they could address their concerns. The Department received a complete revision of the Code from these parties, which he reviewed. The changes that were finally agreed to included a requirement of Department's approval prior to any reduction in the amount of financial assurance and restrictions on the cancellation of insurance and letters of credit. In regard to corporate guarantees, the future permitted capacity of the individual landfill for which a person is providing financial assurance is excluded from the corporations net worth, and documentation must come from a CPA and be based on a certified audit. The last rule change is a notice that states, "No permit will be issued unless the landfill is in compliance with financial assurance." He said although all landfills were required to have closure/post closure accounts the Department had never adopted rules to tie those accounts to the amount of tonnage coming in. However the Department conducted a survey of landfills and found that all but one of the landfills surveyed had been putting money away for closure/post closure. He said the Commission asked the Department in May if the proposed rule addressed the concerns that were

expressed in the original petition for rulemaking from Henderson. The petition asked for the adoption of a one-sentence rule that says, "The Department shall establish a procedure to periodically review the adequacy of the surety bond." The proposed rule establishes these submission requirements. Henderson also listed some concerns that they had; one being the premiums could be easy to cancel. That concern is addressed in cancellation restrictions for surety bonds, insurance and letters of credit. Under the proposed rule an attempted cancellation would result in the pay out of a surety bond into a trust fund. He said the Commission also asked whether the rule complied with the code. He said once the rule new rule regarding closure post closure accounts is in place the Department feels each and every one of the code requirements will have been met.

Liz Christiansen reviewed the survey results that show what landfills have been putting away in their closure/post closure accounts.

Jane McAllister from Ahlers Law Firm representing Waste Management Incorporated said they support the direction that the Department of Natural Resources have suggested. They would like to go forward the rules as revised. Although they do not agree with all of the revisions, they do support them in concept and support the idea of going forward with the technical advisory committee made up of representatives of both public and private landfills to look at this issue of the closure/post closure accounts. She said Waste Management has two municipal solid waste landfills in Iowa and is a national corporation and has never walked away from a site that has been closed. The fact that the regulated community supports the proposed rules is not a reason for suspicion. She said Chapter 455B.306 states that the operator shall maintain closure and post closure accounts but it also says that when the Department does the rulemaking they have to set out the circumstances under which the accounts may be released to the operator after closure and post closure. Because of this she did not believe that the Legislature meant a landfill operator had to have two mechanisms, financial assurance and a big pot of money in an account that you cannot get to until after you complete closure and post closure.

James Braun asked if there was anything in the statute that ensures other means of financial assurance are not pulled out.

Jane McAllister said although there is nothing in the statute, the current and proposed rules make it extremely difficult if not impossible to pull the funds from those other mechanisms.

Mary Wittry Assistant Director, Carroll County Solid Waste Management Commission and the President of Iowa Society of Solid Waste Operations said their commission established a dedicated fund in fiscal year 1993 for closure and post closure. She said the rules that have been developed need to be fair for all facilities and the success of these proposed rules depends on the uniform enforcement for all public and private landfills in Iowa. Without enforcement, the rules mean nothing.

Scott Smith from the Boone County Landfill said he has had an opportunity to review the negotiated changes and his support for the rules has not changed. There is no set perfect rule out there but these rules give the Department a great deal of enforcement ability for landfills not in

compliance and provided a great deal of accountability. He said he was happy to hear that the Department wished to form a technical advisory committee and he would be happy to serve on it.

Hal Morton from the Des Moines County Regional Solid Waste Commission said there have been some fine adjustments made to the rule since the May meeting and he is still in support of the rule and believes they are crafted to treat different types and sizes of landfills fairly. He said he would like to respectfully differ with some of the comments about 455B.306(8)b which states funding in the closure/post closure account shall be based upon the amount of waste received. He said he thinks it is appropriate to route that question to a technical review committee at this point for further study. There are two ways in which to interpret that clause. One is to apply it to every ton of waste to be received after the rule goes into effect or it could be a total quantity of waste received by that landfill. There is a vast difference from landfill to landfill in terms of what closure cost will be per ton based on the design and the existence of materials on site to complete the closure, which is one of the fundamental competitive differences between landfills and how efficiently they are able to run. He said he thought it would be impossible to come up with a single formula that would be fair in the operation of those landfills. In the five years he has been with Des Moines County Regional Solid Waste Commission they have significantly changed the design and operation of the landfill to minimize the amount of open acreage in the landfill at any given time. In doing that they have radically reduced the amount of closure cost that they are exposing the public to at any one time. He submits that the clause in 306.8(b) is intended to be based on the design and operation of the landfill and take into account the total amount of waste that has been received but within the design criteria. He urged the commission to move forward with the rule package and he endorses the department's intent to work with a technical committee to further study the section about formulas and pay in based on tonnage.

Tom Hadden, Executive Director of Metro Waste Authority said it is important that closure/post closure accounts are funded because by paying as you collect the waste is sound environmentally and economically and it is ethical. He said he would like to commend staff for their tremendous amount of work on a complicated issue.

Cindy Turkle representing the City of Henderson and the Mills County Landfill Association said she agrees that the staff has done a tremendous job in trying to work through and resolve all the differences that are related to these rules. In 1987 when the legislators passed them they were thought to be all encompassing involving financial assurance mechanism and included closure and post closure mechanisms. She said although the staff has gone quite a way to bring the law of the Code of Iowa into place on this, there are still some issues that still need to be addressed. The first is the definition for a financial assurance instrument in the Iowa Code 455B.301 provides for a secure trust fund, use of cash or surety bond, or the obtaining of a irrevocable letter of credit. It does not provide for corporate guarantee or corporate financial tests. She said Iowa Code 455B.306(8) d allows corporate guarantees, but it states that financial assurance instruments may include instruments such as cash, surety bond, letter of credit, a secured trust fund or a corporate guarantee. The City of Henderson and Mills County residents have no control if the current landfill owner and operator decides to skip town there is nothing there for closure and post closure. Corporate guarantees rely on assets and although the subject landfill cannot be included as part of the assets if the same company owns multiple landfills they may use the other landfills as assets. A landfill is only an asset while it has space available and has a

permit. A review only once a year jeopardizes the citizen of the county where the landfill is located. She said the rulemaking for closure post closure is unnecessary because 567-111 reference closure/post closure four separate times and the rules are supposed to be all encompassing. The delay involved to reach a consensus with the stakeholders is unnecessary and puts small cities like Henderson in jeopardy. She believes the intent of the legislators was for the current waste generators to pay for the waste being thrown now. Closure/post closure accounts are the way to do that. She said in addition there is no definition for corrective action in these rules and it needs to be put in.

Mayor Bill Harbor, City of Henderson said Iowa Waste has been in business since 1996 and is currently taking in 500 tons a day for which they receive \$4.50 a ton and DNR needs to enforce the rules. He said the City of Henderson asks the Commission to require full compliance with the financial assurance rules prior to approval of a permit, permit renewal, or comprehensive plan.

Jim Brick representing Metro Waste Authority and Mills County said thirteen years ago the Legislature passed 455B.306 and instructed the Environmental Protection Commission to promulgate rules and regulation to implement it. Last month there was some debate about whether the financial assurance rules included everything they should include. The rules in front of the Commission do not include closure/post closure accounts, which are a requirement of the Code, but the DNR intends to issue a notice of rulemaking regarding closure/post closure and bring those to the Commission in October. Citizens generally have a different view of what is fair and what isn't than that of the people being regulated. He said the technical committee should include citizen input. He believes the proposed rule before the Commission has been implemented in response to the requirements of 455B.306 (8)a and he had no serious objection to them. He said he did not agree with the use of corporate guarantees, as a financial assurance mechanism but is willing to accept it if that is what the Commission decides to do.

Brief discussion followed regarding corporate guarantees and letters of credit.

John Tack thanked Mr. Brick's firm for their input during the rulemaking process. He said the Department feels the corporate financial test is an important part of what is meant by corporate guarantee in the Iowa Code. At this time no private landfill is currently using the corporate guarantee as a financial assurance method and never has. He said in response to Mr. Brick's assertion that the citizens are not represented, it is the Department's and the Commission's role to represent the citizens of Iowa.

Darrell Hanson suggested that the issue of Corporate Guarantee be addressed during the next Legislative session.

James Braun suggested that Cindy Turkle serve on the technical committee for closure/post closure rulemaking. He asked the Department to work with Jim Brick regarding the cleaning up the corporate guarantee.

<i>Motion was made by Rita Venner to approve the final rule as presented. Seconded by James Braun. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION TO SOLICIT COMMENT ON POTENTIAL AIR QUALITY REGULATION OF ANIMAL FEEDING OPERATIONS (TABLED)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

This item was tabled for two months at the April Environmental Commission meeting. The Commission will be asked to remove this item from the table and engage in a discussion with Department staff and the Director regarding the Petition for Rulemaking submitted by the Iowa Citizens for Community Improvement at the January Commission meeting.

At the February 2001, Environmental Protection Commission meeting the department recommended denial of the Iowa CCI petition for rulemaking to establish a specific rule to regulate large-scale animal feeding operations. The department also suggested that the Air Quality Bureau could bring forward a subject matter rulemaking to solicit comment on the need for air quality regulation of animal feeding operations, and what possible forms that regulation might take. The Commission voted to table the Iowa CCI petition for rulemaking until Director Vonk had an opportunity to review the issue. On February 28, 2001, the department discussed with the Animal Agriculture Consulting Organization (AACO) the objectives of the subject matter rulemaking.

At the April 2001, Environmental Protection Commission meeting the Commission chose to table the Notice of Intended Action to Solicit Comment and asked that the department bring the rulemaking back for consideration at the June meeting. The recommendation to deny the Petition for Rulemaking was tabled until the October 2001, meeting.

Under a subject matter rulemaking the department would describe five options for regulating animal feeding operations and would solicit comments on a wide variety of questions designed to inform the department on issues related to the potential development of air quality regulations. As drafted, six public hearings would be held across the state to solicit comment on this issue. An extended comment period would be established to ensure the opportunity for public comment and dialog with the department. After review of these comments the department would prepare a summary of the comments and refer the issue back to the Commission.

(A copy of the Notice of Intended Action is available in the Department's Record Center)

<i>Motion was made by Lori Glanzman to remove the item from the table. Seconded by Kathryn Murphy. Motion carried unanimously.</i>
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REMOVED FROM TABLE

Mike Valde briefed the commission on the history of the item.

Director Jeff Vonk said the issue of confined animal feeding operations is a very emotional, complex and difficult to deal with. He understands the desire among many Iowa citizens to get

more control over the siting of confined animal feeding operations and has been reading studies on the public health issues as well as other issues associated with confined animal feeding operations. He has met with the Iowa Citizens for Community Improvement to discuss this issue, and has received in the past couple of weeks approximately fifty phone calls, several email messages and letters encouraging the Department to move forward with a series of hearings. He has also met with and received calls and letters from industry representatives that take the opposite view. He has met with a researcher on the public health aspects of air quality issues as well as Iowa public health officials directly. He has read the petition from Iowa Citizens for Community Improvement that is currently tabled and the DNR notice of intended action that is before the Commission at this time. Through this research he has concluded that rules of this type need to be based on sound science and need to be legally defensible. He said he did not believe that beginning a round of public hearings is in the best interest of this Commission because it will start in motion a rulemaking procedure that the Department cannot guarantee having adequate information upon which to act. In the last month he has directed the Department's Air Quality Bureau to complete an internal literature review on the subject. That process has begun but is not yet complete and he has been told that it could take another month or two. He has directed the department to review and revise the questions contained in the notice of intended action. He has asked that the questions be rephrased so that if the Department does move forward with the hearings, more substantive information will be collected. He has directed the Air Quality Bureau to develop ongoing air monitoring efforts that will yield information that will be useful. He has also written to Dean Ross of the College of Agriculture at Iowa State University and Dean Merchant at the College of Public Health at University of Iowa asking for their assistance in a coordinated effort to give the Department guidance on what substances and at what level should these emissions be controlled or regulated. For the above reasons Director Vonk said he would recommend that the Commission table the notice of intended action until this work can be completed and the Department and the Commission have a better sense of the appropriate course of action to take. He also requested that the Department be allowed to update the Commission at the August meeting with progress as well as potential recommendations for future action.

Rita Venner asked if the air monitoring efforts would be done at actual livestock operations.

Jeff Vonk said the data being collected is in the field where feeding operations exist. He has received a briefing paper as to what is being done now and he feels we can improve it but he is not sure it can be done without additional investment of resources.

Kelly Tobin asked how the Department planned to handle the citing of new confined animal feeding operations if they delay the public hearings.

Jeff Vonk said that at this time the Department is required to follow Iowa Law.

Lisa Davis Cook said she agreed that sound science was needed before any rules were finalized, but asked what the harm would be in going forward with the public hearings.

Jeff Vonk said the proposal before the Commission was tied to a rulemaking and there are time frames associated with it that he did not feel comfortable with. He said he would not have a problem if someone wanted to set up a series of public meetings where he would agree to appear.

Darrell Hanson said he has mixed feelings about holding hearings that are not tied to a proposed rulemaking. One effective way to make sure that an issue is not settled through consensus is to get people to take positions in front of the press before the information is available to back those positions. He said he feels it will be easier to get the resources for another regulatory structure if there is data to back it up.

Erick Davidson with Iowa Citizens for Community Improvement (Iowa CCI) said they represent approximately 1,400 people across the state, that includes farmers who raise livestock and support livestock production in the state. The important thing to remember is that these people are breathing the air in rural Iowa. This is a health issue. He said it is their contention that the research is there. Iowa CCI turned in supporting evidence with the petition in January which is about one tenth of the information that the Air Quality Bureau has available. He said this is not groundbreaking, other states have already done this. The research shows that the chemicals coming off of the large-scale confinements, when it comes from industry makes people sick. So it stands to reason the same concentration coming off of a livestock industry is going to make people just as sick. He said as to the question of how much is coming off of the confinement operations, the State of Minnesota enacted air quality rules specifically for that reason. The science is already out there; the public opinion is also already out there. He said the rules they are discussing would apply to only about 8% of the livestock industry in the State of Iowa. It is not their goal to run livestock industry out of Iowa but they want a healthy livestock industry. Iowa CCI and the 6,000 people who signed the petition calling for rules are asking the Commission to move forward and to do it now. He said the research is there, it shows that factory farms are causing headaches, soar throats, excessive coughing, diarrhea, burning eyes, and more serious conditions that are being found right now such as neurological damage, brain damage, and irreparable respiratory harm.

Director Vonk said he did consider the public health issue but the Iowa Department of Public Health is not willing to say that this is a problem. There needs to be a consensus in the state among the leaders based on credible sound science. When the Director of Public Health is not willing to make that statement, there is a public policy dilemma in terms of moving forward with rules.

Erick Davidson said other states have shown that there is a problem.

Jeff Vonk said he is looking to the College of Public Health and the College of Agriculture for guidance on what those levels ought to be so that when the hearings begin in the rulemaking process the Department has that information based on fact.

Erick Davidson said Iowa CCI is not asking the Department to regulate what is inside the confinement. What they are asking is for the Department to regulate at the property line.

Jeff Vonk said as the Director of Department of Natural Resources he is interested in environmental and public health protection and he wants to do it on the basis of solid information that is defensible.

Darrell Hanson said moving too far ahead of generally accepted scientific information in the area of environmental regulations where there are industries involved can prompt a backlash that can result in something written in the Code stating the Department will never regulate a particular area. He also pointed out the existence of regulations does not necessarily mean that it has been scientifically proven that those regulations are needed.

Lisa Davis Cook said she wanted to go on record that she serves on the Board of Directors and Executive Committee for the Iowa Environmental Council.

Mark Lambert, Executive Director of the Iowa Environmental Council (IEC) said the IEC is a nonprofit, nonpartisan organization. They are a coalition of seventy organizations that are concerned about the environment and conservation issues. He said he understands the need for resources but the Environmental Council wants to urge the Commission to move forward with the public hearings and rulemaking process or set a definitive date to remove the issue from the table. He said he agrees with Iowa CCI that there is sound science available and although there are new studies underway that is no reason to delay. He said in 1998, the legislature in Minnesota funded a study on confined animal feeding operations and human health effects. It was a joint effort between the Minnesota Department of Public Health and Pollution Control Agency. It involved one hundred scientists from the university system and had a stakeholders committee to review the process that included members of environmental protection organizations as well as representatives from the livestock industry. A scientific consulting firm reviewed all of the information provided by the scientists and put together a report on the state of the research on these issues. He said there are two reports available on the Minnesota Planning Department's web site called The Final Technical Work Paper for Air Quality and Odor Impacts and The Final Technical Work Paper for Human Health Issues. He said when Dr. Gleason made his statement in December he may not have had access to this extensive research.

Chris Gruenhagen, Public Affairs Council for the Iowa Farm Bureau Federation said as a staff member of the Federation she has to answer to the members and to their elected representatives. The elected representatives, one from each county, make up the voting delegate body. They decide what the Federation's position and policies will be on any given subject. In this area the Federation's position is as follows. "Continued research is urgently needed to develop solutions odor control problems, water quality, and human health concerns associated with livestock production." She said, at this time the research is not out there. Before spending scarce State resources to decide how the livestock industry is to be regulated the key question to answer first should be whether emissions from livestock operations impact public health. The National Academy of Sciences is preparing a paper on this issue to develop a consensus on what the issue is and are planning to place hydrogen sulfide monitors in several counties over the next year to develop some monitoring data. This type of information is necessary before the Commission moves forward with regulations in this area. She said although this rulemaking may mean to target large livestock operators it will disproportionately affect farm families. If it is determined that air emissions from livestock operations should be regulated, farm families need to be able to

comply and pay for those regulations. Every regulation increases the cost for production, which leaves farm families with the choice of either expanding production or going out of business. The Federation believes that regulations need to be balanced between the desire for a pristine environment and the ability to earn a living in the rural areas. She said the process being presented to the Commission is unprecedented for any occupation or industry that the Department regulates. They ask that there be a thorough review of the research that is out there, a determination made on whether there are public health concerns and if it is determined that there are health concerns establish a stakeholders group to develop workable regulations.

Kevin Vinchattle from the Iowa Poultry Association said it is their opinion that objective scientific data does not exist on which to base any rulemaking action at this time. They asked that the Commission delay any action until such time that the information is available. The Iowa Poultry Industry is participating in two studies. The Iowa Egg Council recently funded a study by Dr. Hongwei Xin at Iowa State University to establish baseline aerial ammonia emission data for Iowa layer and pullet facilities. Dr. Xin is also involved in a collaborative effort as well as the Iowa Poultry Association in terms of supporting a nationwide project to do the same thing relative to air emissions of poultry operations across the country. There is also correspondence between the Environmental Protection Agency and United State Department of Agriculture, which indicates that there is no clear consensus of scientists on which to base regulation and the National Academy of Science is looking into the issue. He said in a time frame that everyone can operate there will be better information on which to base any further actions.

Nancy Dittmer from the Iowa Pork Producers said she and her husband operate a diversified farm in the Lacona area and she is also on the board of Directors for the Iowa Pork Producers Association. The Commission has properly delayed air quality regulations for the livestock industry. Since livestock confinements appeared in Iowa over thirty years ago, producers have altered and changed the design of facilities with the changing technology. They have learned over the years that attempts to monitor air quality can be difficult and confusing for producers and nearby residents. The Governor has advocated more research into livestock air quality by state government and research institutions. More information is required before this new research can give the producers and residents the direction needed. Nonetheless, the Iowa DNR should look specifically at whether the air quality separation distances in the Iowa Code are sufficient or in some cases, unneeded. Livestock producers have operated their facilities for the past six years with the state air quality separation distances. DNR needs to know the answer to the following question: "Do Iowa's air quality separation distances adequately protect nearby residents, business, and public use areas. In some cases it may be necessary for the state to limit how close new houses can be built next to an existing facility or housing and business setback distances. It makes little sense that producers must avoid nearby business and housing for construction, only to have the operation built and neighbors move into the buffer area. The best example of this is the ISU swine nutrition farm west of Ames. If their operations impact nearby residents then nearby residents should be prohibited from building near a facility.

Hugh Espey from Iowa CCI said there has been a lot of talk about a consensus among the key players and a stakeholders panel. He said the public has had their fill of stakeholder panels. There is no possibility of consensus on this issue. He said the discussion on this issue might

mirror the discussions between the tobacco industry and the public health community in the 30's and 40's. He said this issue is not going to go away.

Brief discussion followed regarding the procedures for rulemaking.

Motion was made by Darrel Hanson adopt Director Jeff Vonk's recommendation. Seconded by Rita Venner.

Discussion followed regarding what that recommendation entailed.

Terry Townsend asked if the Commission would like to put a definite date to remove it from the table.

Jeff Vonk said he proposes to come back to the Commission in August and let them know where the Department is, depending on the response from the university community and where the Air Quality Bureau is with their internal review of the literature as well as the design of the information gathering and allow the Commission to make a decision at that time.

Chairperson Townsend called for a roll call vote, Aye votes were cast by James Braun, Lori Glanzman, Darrell Hanson, Kathryn Murphy, Terry Townsend, and Rita Venner. Nay votes were cast by Lisa Davis Cook and Kelly Tobin. Motion carried.

TABLED UNTIL AUGUST MEETING

TARGETED PROJECTS CONTRACT AND CONTRACT EXTENSION APPROVALS

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to fund the following planned targeted projects and contract extensions. These projects and contracts are funded using Solid Waste Alternatives Project (SWAP) monies. Total funding for these projects will not exceed \$888,000.

1. Residential Recycling Evaluation Study

The East Central Iowa Council of Governments (ECICOG) will develop a methodology and conduct an evaluation of the residential recycling programs within the planning area. The completion of this project will provide the Division and the remaining planning areas with a methodology for evaluating existing recycling programs. The completion of this project is a high priority for the Division, as the new comprehensive planning rules rely heavily upon program evaluation. The not-to-exceed cost of this contract will be \$100,000.

The ECICOG planning area is the largest solid waste planning area in the state, encompassing six counties and 71 cities. The makeup of the ECICOG planning area is unique; it includes major metropolitan areas as well as very rural counties. During the recent review of their comprehensive solid waste plan, DNR staff discussed with the planning area the need for thorough evaluation of the types of recycling programs offered by local governments in support of 455B.306 (requirement for waste reduction and recycling). Upon approval of the plan in February 2001, DNR staff and ECICOG agreed to work jointly to complete this project. However, due to legislative action this project was delayed. The

wide variety of program-types and the willingness to participate makes this planning area well suited to partner with the Division for the development of this evaluation methodology.

Working with a consultant, ECICOG will:

- Develop a methodology for measuring recycling program effectiveness for a variety of program types.
- Gather the necessary data through a combination of targeted field sorts and surveys from across the ECICOG region.
- Analyze the data using the selected methodology.

The anticipated deliverables for this project include:

- Average per household recyclables generated by program type.
- Average per household recycling quantity by program type.
- Participation rates by program type.
- Program cost comparisons.
- Evaluation methodology
- Final report for reproduction and broad distribution by DNR.

The methodology created will allow other planning areas throughout the state to also evaluate their recycling programs, suggest changes to existing programs and use the increases in waste reduction to move closer to the 50% waste reduction goal.

The contract will not exceed \$100,000. ECIGOC is budgeted to receive \$20,000 for project administration and staff participation. The remainder of the funds will be used to cover the cost of the consultant.

2. Statewide General Awareness Study

The DNR will award funds to the University of Northern Iowa, Center for Social and Behavioral Research (UNI) to conduct a statewide general awareness survey, subject to satisfactory negotiation of budget and deliverables. The objective of the survey is to assess adult Iowans' awareness and understanding of issues related to solid waste management including waste reduction, recycling, pollution prevention. The contract shall not exceed \$30,000.

The University of Northern Iowa, Center for Social and Behavioral Research was selected to conduct this general awareness survey resulting from successful previous survey projects such as the *Beverage Container Deposit Law: A Survey of Adult Iowans* and the *Iowa Automotive Directory*.

The Waste Management Assistance Division initiated a collaborative strategic planning process with solid waste management stakeholders in the summer of 1999, to address the following central question – *How does the state responsibly reduce the quantity of waste generated and disposed of in Iowa to protect and enhance the state's air, water, and land resources by 2010?* The subsequent plan assists Iowans having responsibility for solid waste management in setting priorities for ongoing waste management assistance, developing tools for meeting area goals, and projecting future integrated solid waste management issues.

One of the priorities identified during the strategic planning process was education. It was recognized as the key to successful and sustainable project and program implementation. From this the Department developed a three-phase initiative that will serve as the basis for a "statewide message" on solid waste management. *Phase I* consisted of a survey of messages and materials currently used by environmental and solid waste educators. *Phase II*, nearing completion, is a series of recommendations of effective delivery mechanisms. *Phase III* will be the general awareness survey.

Results of the proposed survey will provide valuable information that will allow the Department and local agencies to:

- understand which terms and concepts Iowans comprehend and which terms and concepts require targeted public awareness/education efforts;
- tailor public awareness and education programs toward specific messages;
- develop and disseminate materials consistent with needs based on demographic or geographic differences across the state;
- understand existing behavior/habits in order to develop specific initiatives that will cause desired behavioral changes; and
- target material or message delivery through channels preferred by survey respondents.

Results provided in this final survey coupled with previous surveys would provide the collective information required to develop public awareness and education initiatives in the most cost effective and results oriented manner.

3. Construction and Demolition Debris Recycling Project

The DNR will award funds to the Waste Commission of Scott County for a targeted construction and demolition debris recycling project. The award to the Waste Commission of Scott County will be in the form of a \$450,000 forgivable loan subject to satisfactory review of the business plan, negotiation of budget, match, and deliverables.

The Department of Natural Resources issued a Request for Proposals (RFP) in November of 2000, to establish a construction and demolition debris recycling project in Eastern Iowa. The RFP offered up to a \$450,000 forgivable loan to the selected applicant(s). The Department received two (2) proposals, requesting \$900,000 in financial assistance, for consideration. One project is selected for funding at this time, that being proposed by the Waste Commission of Scott County. Proposals were reviewed by a committee consisting of six people representing the Land Quality and Waste Management Assistance Division (Jeff Geerts, Paul Lundy), Des Moines County Regional Solid Waste Commission (Hal Morton, Iowa Society of Solid Waste Operations board member), the Iowa Waste Exchange (Dennis Hayworth), the Department of Economic Development (Dave Cretors) and the Department of General Services (Doug Reed).

The Waste Commission of Scott County will develop a construction and demolition debris recycling facility at their municipal solid waste landfill in Scott County. The facility will initially process approximately 24,500 tons of debris from Scott County in year one. The applicant will conduct a study to determine the financial feasibility of expanding the facility's service area to other counties beginning in year two. Clinton, Jackson, and Muscatine Counties provided letters of interest and support in the application.

It is estimated that more than 115,000 tons of construction and demolition debris is landfilled annually in the nine-county targeted area of Cedar, Clinton, Dubuque, Jackson, Johnson, Jones, Linn, Muscatine and Scott counties. Many materials for which markets are identified in the construction and demolition waste stream including: wood, cardboard, metal, concrete, asphalt, bricks, carpet pad, drywall, and asphalt shingles can be recycled, but the infrastructure is currently unavailable in Eastern Iowa.

Establishing an infrastructure for recycling construction and demolition debris will assist the State of Iowa in reaching the fifty percent waste reduction and recycling goal. Recycling of construction and demolition debris in Iowa will expand the positive economic impact that the recycling industry has had in Iowa and will provide additional recycled content materials for purchase by Iowa companies as

encouraged and promoted by the Departments' *Buy Recycled!* Iowa campaign. This project will put the Department in a better position to assist other regions of Iowa in implementation of similar projects.

4. Keep Iowa Beautiful Roadside Litter Study

The DNR will award funds to Keep Iowa Beautiful (KIB) to conduct a study - "Gaining an Understanding of Litter in Iowa" - to provide benchmarking information on litter and Iowans' attitudes towards litter. The letter of agreement will not exceed \$93,000 over a two-year period. KIB will use this money, combined with that of other partners, to pay for all portions of the study. The money will be remitted to KIB in four (4) equal quarterly payments beginning August 1, 2001.

KIB, in partnership with DNR, IDOT, the Iowa Society of Solid Waste Operators and a number of private entities, plans to carry out a multi-phased litter survey. The phases will include:

- A review of the existing conditions, including a statewide review of existing litter programs and a physical litter survey.
- A re-sampling of the litter sites one year after the initial survey is completed.
- An education and public awareness campaign.

This benchmarking information is necessary to gauge the success of ongoing KIB efforts. The data gleaned from this will also benefit the DNR by encouraging the proper disposal of waste and providing additional support for recycling and waste reduction programs.

5. Safe Schools - Phase II Clean Out Project

The DNR will award funds to Pointer Environmental Inc. to conduct Phase II of a two part project designed to provide 1) training to science teachers and administrators for each school in Iowa's thirteen Area Education Agencies and 2) assistance in identifying and disposing of highly hazardous chemicals including potential impact explosives, radioactive materials and DEA controlled substances in 40 schools. The project award will not exceed \$100,000. The contractor for phase II will:

- ▶ Conduct an assessment of each school's science Department to identify highly hazardous chemicals and controlled substances;
- ▶ Identify and label chemicals in unmarked containers;
- ▶ Manage and coordinate the disposal of highly hazardous chemicals and controlled substances by working with the Department of Public Health, the Department of Criminal Investigation, the State Fire Marshal, Environmental Protection Agency and the Department of Natural Resources;
- ▶ Conduct on-site inventory training for school personnel; and
- ▶ Offer recommendations for waste minimization, proper storage, and safe chemical management.

The Department receives regular requests for hazardous waste management assistance by schools across Iowa. Many Iowa schools are home to hundreds of pounds of old and unwanted hazardous chemicals including explosives, radioactives, acute toxins and extreme reactives.

Last year the Department conducted a pilot project in six schools within the Grant Wood Area Education Agency. Results of this pilot project (nearly 10,000 pounds of hazardous materials were removed) is the basis for the current Safe Schools Statewide Program, Phase I and Phase II. The Grant Wood AEA pilot project indicated a general lack of knowledge of current law requirements, school liability with regard to hazardous chemicals, and the extent of unwanted and unstable chemicals in their school. Proper purchasing, storage, inventory, and disposal of hazardous chemicals are not taught to new college teaching graduates. Furthermore, in many cases chemicals are stored in unmarked containers,

incompatible chemicals stored next to each other or chemicals that have been stored for decades have become unstable.

Phase II will provide for on-site assessments of a minimum of forty Iowa schools to identify highly hazardous materials including potential impact explosives, radioactive materials, and DEA controlled substances. Identified materials will be removed from the schools for proper disposal. School-specific training will be provided noting concerns and improvements to existing hazardous chemical management practices and providing a hazardous chemical inventory and management software program as a means for participating schools to eliminate future buildup of old and unwanted hazardous chemicals. Schools participating in Phase II will be required to commit to attending and incorporating the training provided in Phase I of the Safe Schools Statewide Program described above.

The Department solicited proposals to conduct an assessment of the selected schools and coordinate the disposal of highly hazardous materials. Nine proposals were received.

A proposal from Metro Waste Authority was disqualified pursuant to a recommendation of the Office of the Attorney General. This decision was based on the involvement of a former DNR employee in preparing both the Department's request for proposals and Metro Waste Authority's responsive bid proposal. In order to protect the competitive bidding process, the Attorney General's Office recommended that the Department not review the bid proposal as it was prepared with the assistance of the same person who prepared the request for proposals.

After reviewing the remaining eight proposals, the review committee selected Pointer Environmental, Inc. as the most advantageous to the Department and Iowa schools. The reasons for Pointer Environmental Inc.'s selection includes:

- ▶ Experience with similar projects;
- ▶ Demonstrated ability to work with schools;
- ▶ Understanding the needs and issues of school administrators and instructors;
- ▶ Ability to coordinate with the Department, the Fire Marshall's Office, the Department of Criminal Investigation, and the Department of Public Health for the removal high hazards and controlled substances; and
- ▶ Developed a computer based inventory program to assist schools in tracking all chemicals.

The contract will cover the period of July 2001 through July 2002.

6. Dept of General Services Environmental Purchasing Contract Extension

The DNR will award funds to the Iowa Department of General Services (DGS) subject to satisfactory negotiation of budget, match and deliverables for the continuation of the environmental purchasing agent position through Calendar year 2002. The value of the contract extension will not exceed \$30,000 or 50% of the environmental purchasing position, whichever is less. The Department of General Services will fund the remaining 50% of the purchasing position. The implementation of a recycled product purchasing position in the Department of General Services is a priority action recommended by our stakeholders during the development of the solid waste management strategic plan for the state of Iowa developed earlier this year.

The Department of General Services is responsible for the bidding, contracting and purchasing of millions of dollars of products for all state agencies, excluding the Department of Transportation. These products range from office products and tires to building materials. In January 2001, the Department of Natural Resources and the Iowa Department of General Services entered into contract number 01-G550-17T to hire an environmental purchasing agent that would be housed in DGS and supported financially and

technically by the DNR. This agreement stipulated that funding for this position was to move from being primarily funded by the Department of Natural Resources to being absorbed into DGS' annual budget by January 3, 2003. This is the second step in the process with the DNR providing one-half of funding support.

Iowa has made great strides in the area of buying recycled and "green" purchasing. Representatives from the Department of General Services and the Department of Natural Resources were personally invited to attend the Government to Government Smart Green Purchasing Conference at the White House in July 2000 and remain actively involved in this initiative.

One of the best ways to maintain, expand and implement new recycling programs in Iowa is to increase the demand for recycled-content products thereby increasing the market value for commodities collected through recycling programs. By placing an environmental purchasing agent in the Department of General Services, a focused and dedicated effort has been placed on the expansion of the quantities and types of environmentally preferable products purchased (including products with recycled content). Environmentally preferable products, as defined by Presidential Executive Order 13101 are products that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

Several accomplishments have been realized to date including:

1. Researching historical purchase data, similar programs in other jurisdictions and the private sector, and determining, through consultation and review of agencies' procurement plans, the commodity and material categories which offer the most opportunity for increasing usage of recycled content.
2. Identifying environmentally preferable products (EPP) commodities, through market research and consultation with vendors.
3. Reviewing current commodity and material specifications for opportunities to increase the usage of recycled content.
4. Working with engineers, architects and purchasing staff in DGS, DOT, Regents institutions and other State agencies to insure that EPP specifications are appropriately included in procurement requirements.
5. Promoting EPP within State and local government, schools, and similar institutions through fact sheets and demonstration products.

The intent of this project is to promote the purchasing of environmentally preferable products in the state of Iowa. The initial focus of this project will concentrate on state government, specifically the Capitol Complex, and then expand to other applicable entities. This endeavor will not solely benefit the state agencies of Iowa. Most Department of General Services' contracts for product purchases allow political subdivisions such as cities, counties, and schools to purchase from those contracts for the same price. In effect, the purchasing agent will be able to leverage the purchasing power of the state of Iowa to assist local governments and schools to purchase recycled content and EPP for less. The environmental purchasing agent will be responsible for providing technical, educational and networking assistance to vendors, contractors, purchasers, and users of these products.

Specific project objectives include:

1. Prepare specifications that reflect higher recycled content usage for items in common use within State government.
2. Arrange suitable product tests or pilot projects to determine the capability of EPP as compared to current products.
3. Improve upon the database of EPP vendors. Assist EPP vendors to compete successfully within the State government marketplace.

4. Track the acquisition of EPP by State agencies. Include a report on the EPP program as part of the recycled content report to the General Assembly each February 1st as required under The Iowa Code Section 18.18d.
5. Prepare and maintain, on a continuous basis, an analysis that reports savings (dollars and environmental equivalents) created by the EPP purchasing agent both in initial purchase decisions and through a product's life cycle.
6. Promote EPP within State and local government, schools, and similar institutions through development of an environmentally preferred purchasing website.

7. Sustainable Development Consulting Services Contract Extension

The DNR will extend a contract with HDR Architecture, Inc. to continue to provide sustainable development consulting services on a retainer basis, with no guaranteed minimum amount to HDR Architecture, Inc., for building, renovation and demolition projects covered under the Iowa Capitol Complex Master Plan and within other state agencies. The contract extension will not exceed \$85,000.

In October of 1999, DNR contracted with HDR Architecture, Inc., Sustainable Design Services for sustainable development consulting Services at the Capitol Complex. The objective of the contract was to ensure that the Sustainable Design Principles that had been added to the Capitol Complex Master Plan were integrated into upcoming construction projects. The Department of Natural Resources has worked closely with the Department of General Services and project architects to establish "Sustainable Development Principles" as part of the Iowa Capitol Complex Master Plan. The Master Plan provides a framework for complex-wide planning efforts. Based on our research, the State of Iowa is the first state to include these principles in their Master Plan.

The Departments of Natural Resources and General Services, along with HDR Architecture, Inc., have worked closely with Master Plan project architects to identify opportunities to apply sustainability concepts in all new construction, renovation, and demolition projects on the complex. Sustainability concepts addressed in the Master Plan include: sustainable site planning, energy efficiency, water safeguarding, materials and resources conservation, indoor air quality, solid waste reduction, and environmental quality.

Several accomplishments have been realized to date including:

1. Facilitating a one-day Sustainable Design Training Course for Iowa architects, state agency personnel, and solid waste operators.
2. Conducting a Vision Development Session to strategize how best to implement the sustainable principles included in the Master Plan.
3. Adopting the LEEDTM Green Building Rating System (Leadership in Energy and Environmental Design) as the preferred system of measuring success of green building design on the Capitol Complex. Developing a Pilot Phase to test the use of LEED on current and upcoming projects in order to recognize the benefits as well as potential impacts to cost and schedule.
4. Developing a Sustainable Building Checklist to provide architects and engineers with a means of measuring accordance to the LEEDTM Rating System.
5. Defining levels of commissioning and negotiating commissioning language and opportunities for Capitol Complex projects. Developing RFP language and supplemental information to support the integration of commissioning on upcoming projects.
6. Partnering with Department of General Services construction and design project managers to encourage sustainable building principles with other state agency projects outside of the Capitol Complex grounds.
7. Providing sustainable consultation to the DLR Group regarding the design of the Iowa Judicial Building.

8. Promoting sustainable design principles through agency networking opportunities including DGS design and construction project managers and the Iowa Food and Agricultural Council Steering Committee.
9. Developing and disseminating an informational brochure.
10. Developing a sustainable building link on the DNR's website.
11. Providing technical assistance to DGS's environmental purchasing agent.
12. Providing informational resources and consultation to Iowa projects including: the Dubuque River Museum Discovery Center Project, the Des Moines Menace Stadium Project, and the Iowa Destination Park project.
13. HDR Architects, Inc. has been selected as the lead architectural firm and will incorporate sustainable design for the new Iowa Laboratories Building.

The intent of the project is to ensure sustainable development principles included in the Master Plan are followed and technical assistance is provided for all Capitol Complex building, renovation and demolition projects. While the current focus is specific to the Capitol Complex, it is the intent of DNR and the Dept. of General Services that relevant information be shared with other state agencies, so the benefits may be realized on all state buildings. The consultant will be responsible for incorporating sustainability concepts into all projects and will serve as a member of various project teams, as deemed necessary by the Department and project managers. Project teams will be composed of a variety of state agency representatives, contractors and subcontractors dependent on the specific project.

Two primary projects of state and national significance that will be of focus for this upcoming contract period are the Iowa Laboratories Building, currently in site planning (through partnership with DGS) and the Iowa Destination Park Project, currently in design phase (through partnership with DNR's Parks, Recreation, and Preserves Division). The project consultant will provide technical assistance, planning, and oversight, with focus on sustainable building principles and techniques, throughout all phases of completion (as is applicable to this contract period).

Specific project objectives include:

1. Facilitate project commencement charettes or goal-setting meetings.
2. Provide sustainable construction technical expertise and education to the entire project team which is valuable, timely, practical, and effective.
3. Provide a sustainability design assessment report.
4. Facilitate the actual implementation of the integrated-design approach, which requires all parties involved in the project to speak with each other and understand everyone else's goals and needs from the outset through the project's end.
5. Develop documentation tools for project reviews including: LEEDTM tracking, sustainable product selection, and "by phase" checklists.
6. Develop and implement outreach and awareness through meetings and presentations with stakeholder groups.
7. Monitor progress toward sustainability goals.
8. Evaluate project success through post-occupancy evaluation of principles and systems.

Upon completion of this project, DGS has agreed to include sustainable consulting services funding into all building, renovation and demolition project budgets for legislative approval. Such a commitment will ensure that sustainable development principles are carried out for all future Capitol Complex projects and will be provided and supported in building and renovation projects involving other state agencies.

The consultant is required to submit monthly activity reports to DNR for review. Upon approval of monthly reports, consultant fees will be paid. The consultant will be paid only for hours worked during each month, with no guaranteed minimum amount of work specified per month.

Supporting Agencies:

Iowa Department of Natural Resources

Iowa Department of General Services

At this time the Commission is requested to approve the following contracts for targeted projects and contract extensions for a total amount not to exceed \$888,000:

1. Residential Recycling Evaluation Study for \$100,000
2. Statewide General Awareness Study for \$30,000
3. Construction and Demolition Debris Recycling Project for \$450,000 forgivable loan
4. Keep Iowa Beautiful Roadside Litter Study for \$93,000 (\$46,500 each year for two years)
5. Safe Schools - Phase II Clean Out Project for \$100,000
6. Dept of General Services Environmental Purchasing Contract Extension for \$30,000
7. Sustainable Development Consulting Services Contract Extension for \$85,000

Liz Christiansen said this is a list of projects that the Department has been working on over the previous six months. The reason these have been brought before the Commission at this time is because unless the funds have been committed by the end of the fiscal year the Ground Water Protection Fund will again be swept. She briefed the Commission on each of the projects. She said there had been some complications in the request for proposal (RFP) process, one of the employees who generated the RFP for the Safe Schools – Phase II Clean Out Project, left the Department and went to work for Metro Waste where they helped to prepare a proposal for the same project. The Attorney General's Office supported the finding of conflict of interest. Metro Waste did not agree with the finding and threatened to file an injunction against the Department bringing it to the Commission. A compromise was arrived at where as Metro Waste would not file an injunction and would not interfere with the awarding of the Safe Schools Contract to Pointer Environmental as long as the schools who are going to be involved in this project are not within the service area of Metro Waste. This agreement does not prevent Pointer Environmental from going in and providing that service on a competitive basis in those counties.

Terry Townsend asked if this agreement would put the thirteen counties in Metro Waste's service area at a disadvantage.

Liz Christiansen said the service will still be available to them but the cost will need to be covered by the school.

<i>Motion was made by Darrell Hanson to approve the contracts as presented. Seconded by Lisa Davis Cook.</i>
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Lori Glanzman said she had walked the ditches on Saturday for the Rotary Club. She said there were a lot of water bottles in the ditches.

Terry Townsend asked what the \$450,000 for Scott County covered.

Tom Anderson said it would go toward the facility and the equipment. Scott County is putting \$892,000 into the project.

Motion carried unanimously.

APPROVED AS PRESENTED

STATEWIDE HOUSEHOLD HAZARDOUS MATERIALS MANAGEMENT AND EDUCATION CAMPAIGN – CONTRACT APPROVAL

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department of Natural Resources requests approval to enter into a contract with Henry Russell Bruce, a marketing and design firm, to complete *Phase II* of a two phase statewide campaign for Household Hazardous Materials (HHM) education and hazardous materials management for Conditionally Exempt Small Quantity Generator Businesses and residents. This project will complete the development of a coordinated initiative with our stakeholders for the household hazardous materials programs (Toxic Cleanup Days, Regional Collection Centers, General Household Hazardous Materials Education, and Retailers Consumer Education Program) including hazardous materials programs for conditionally exempt small quantity generator businesses. The contract amount is not to exceed \$90,000.00 for the period of July 1, 2001 through February 2002.

Deliverables:

Deliverables of this final phase to improve and update the Department's household hazardous materials programs include:

Facilitation of stakeholder meetings;

Design and production of marketing pieces for the Toxic Cleanup Day Program;

Design and production of marketing pieces for the Regional Collection Center Program to assist the Department and local agencies establish collection center services in areas of the state not currently served;

Design and production of a marketing brochure featuring each of the HHM programs;

Design and production of a "tool kit" for teachers at elementary, junior high and high schools;

Design and production of adult fact sheets to replace outdated and obsolete HHM materials;

The goal of this final phase is to have a consistent look, theme, accurate information, etc. relating to the Department's hazardous materials programs. The various marketing pieces will be developed in such a way that local agencies, schools, and businesses can customize the information contained therein to meet local needs and local programs while maintaining a consistent look and theme statewide thereby increasing citizen awareness and recognition.

Background

The Iowa Department of Natural Resources works with a variety of education and collection programs targeted at the proper management of hazardous materials by residents and small businesses. These programs operate independently, each with its own name, hours of operation, materials eligible for collection, education materials, and marketing history. Recently through a coordinated effort consensus and commitment for a joint, statewide marketing campaign has been achieved.

The joint committee agrees that state and local household hazardous materials programs and citizens of the state will benefit from a common or “umbrella” identity. Phase I of the HHM initiative involves the development of a logo and tagline, radio spots, print ads, templates and dialogues for additional collateral materials, and a comprehensive marketing campaign that can be used by Regional Collection Centers, Toxic Cleanup Day coordinators, educators, county naturalists, etc. and the Department in a coordinated statewide household hazardous materials education campaign.

Phase II will expand and complete the advertising and marketing campaign, and will include the development of several education brochures and fact sheets as described above. This will be complete with participation of an advisory committee consisting of educators, regional collection center operators, retailer associations, chemical manufacturer associations, the Environmental Protection Agency and the Department.

Contractor Selection

The Department provided Request for Proposal (RFP) information to the Iowa Department of Economic Development’s Targeted Small Business coordinator, placed the RFP on our website, and directly solicited proposals from an additional twelve marketing and public relations. Two proposals were received. A review committee consisting of representatives of Regional Collection Centers and the Waste Management Assistance Bureau evaluated and scored each proposal on a number of criteria such as experience, staff commitment to the project, previous campaign examples, budget and references. Cost was evaluated by a schedule of fees and project deliverables. After reviewing the proposals, the review committee selected Henry Russell Bruce. The reasons for selection are as follows:

Extensive experience and depth of knowledge of household hazardous waste education and state programs;

Proposal to coordinate Regional Collection Center messages with other current corporate client messages to extend message as far as possible on limited budget;

Continuity with Phase I, also completed by Henry Russell Bruce;

Existing internet-based communication program for quick and easy review and comment from advisory committee; and

Creativity and applicability of previously developed education campaigns.

At this time, the Department requests Commission approval to enter into a contract with Henry Russell Bruce for completion of Phase II of a two phase statewide campaign for Household Hazardous Materials education and hazardous materials management for Conditionally Exempt Small Quantity Generator Businesses and residents, subject to successful negotiation of budget, match, and deliverables.

Liz Christiansen said the Department has been working with operators of regional collection centers for the past year in trying to develop a statewide education effort that could be used to give the regional collection centers some type of similar identity for marketing purposes. She said that household hazardous materials constitute only 1 or 2 percent of our waste stream but they pose 80 to 90 percent of the environmental problem.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

ADOPTED AND FILED – INCORPORATE EXISTING PERIODIC MONITORING GUIDANCE AND ADOPTION BY REFERENCE FOR COMPLIANCE ASSURANCE MONITORING

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed amendments to Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

The purpose of this rulemaking is to incorporate the Department’s existing Periodic Monitoring Guidance into rule. Also, this rulemaking seeks to adopt by reference Compliance Assurance Monitoring (CAM) that is required to be included in 40 CFR part 70 or 71 operating permits. Periodic monitoring and CAM are needed to provide reasonable assurance of compliance with applicable requirements under the Clean Air Act (CAA).

(A copy of the final rule is available in the Department’s Record Center.)

Mike Valde briefed the Commission on the history of the rulemaking.

Motion was made by James Braun to approve the final rule as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

AGREEMENT WITH THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve an agreement between the Department and the Iowa Department of Economic Development (IDED). This agreement establishes the Small Business Air Quality Liaison (Liaison), which is the ombudsman component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

The Liaison serves as a non-regulatory contact for Iowa small businesses seeking information and assistance related to fulfilling their air quality responsibilities; assists with concerns between Iowa's small businesses and the Department; and evaluates air quality regulations for adverse impact on small businesses and ensures that they are understandable. The Liaison also facilitates communications through a web site and workshops.

The agreement is for the period of July 1, 2001 through June 30, 2002. The agreement establishes three fixed payments and one variable payment, from Title V funds, not to exceed

\$80,000. This represents a decrease of \$39,487 from the prior years primarily due to a “small business regulatory assistance needs assessment project” that is being funded out of FY 2001 budget.

(A copy of the Memorandum of Agreement is available in the Department’s Record Center.)

Mike Valde said this is a renewal of a contract that has been in effect for some time between the Department and the Department of Economic Development for a Small Business Ombudsman pursuant to Section 507 of the Clean Air Act. He said Linda King had been serving as the Small Business Ombudsman until her resignation a few months ago. Wendy Walker from the Air Quality Bureau has recently been hired to take her place.

Motion was made by Darrell Hanson to approve the contract as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

Larry Wilson asked why there was a reduction of \$39,487 dollars from the previous year.

Catharine Fitzsimmons said the contract is for a variable payment so that if they do not accomplish everything that is in their work plan they do not get paid for it.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT FOR THE LINN COUNTY AIR QUALITY PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency’s role in the ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2001 through June 30, 2002. The agreement establishes variable payments, totaling \$569,148. This contract is funded by the air contaminant fund, \$375,648, 105 federal grant, \$158,500, and 103 federal grant, \$35,000. The agreement amount for last year was \$501,128. The increase from last year accounts for rising health care cost and one new FTE for monitoring.

(A copy of the Interagency Agreement is available in the Department’s Record Center.)

Mike Valde briefed the Commission on the history of the agreement. He said the increase in the cost is due to the addition of one full time employee.

Kelly Tobin asked if Linn County was providing any of the funds.

Catharine Fitzsimmons said they provide the state match.

Motion was made by Lisa Davis Cook to approve the agreement as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT FOR THE POLK COUNTY AIR QUALITY DIVISION PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's role in the ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2001 through June 30, 2002. The agreement establishes variable payments, totaling \$722,407. This agreement is funded by the air contaminant fund, \$495,257, 105 federal grant, \$187,150, and 103 federal grant, \$40,000. The agreement amount for last year was \$709,188. The increase from last year accounts for rising health care cost and one new FTE for monitoring.

(A copy of the Interagency Agreement is available in the Department's Record Center.)

Mike Valde said that this is the same type of agreement as the Commission had just approved but for Polk County. He said the increase in the contract is due to rising health care cost and one additional full time employee.

Kathryn Murphy asked what the rationale was for adding a full time employee for each agreement.

Pete Hamlin said this is for a new monitoring effort that both Polk and Linn County are undertaking to monitor air toxics. This is something that has not been monitored in the past.

Motion was made by James Braun to approve the agreement as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

SFY 2002 DNR/UHL AIR QUALITY BUREAU SUPPORT CONTRACT

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). The agreement provides UHL support of Air Quality Bureau activities including ambient air monitoring, emissions inventory, stack testing, asbestos sample analysis. The contract total is \$1,713,690, the increase of \$210,407 over the SFY 2001 contract is due to increased fine particulate monitoring and increased operation and maintenance costs for the existing network. The increase in fine particulate monitoring is funded by an increase of \$177,777 in EPA grant funds for fine particulate monitoring.

(A copy of the contract is available in the Department's Record Center)

Mike Valde briefed the Commission on the contract.

Brief discussion followed regarding the type of testing being done.

<i>Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Darrell Hanson. Motion carried unanimously.</i>

APPROVED AS PRESENTED

AGREEMENT WITH THE IOWA WASTE REDUCTION CENTER

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the agreement between the Department and the Iowa Waste Reduction Center (IWRC). This agreement continues the Iowa Air Emission Assistance Program (IAEAP), which is the technical assistance component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

IAEAP assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

The agreement is for the period of July 1, 2001 through June 30, 2002. The agreement is a variable cost based, allowing for quarterly payments not to exceed \$368,000. This is an increase of \$7,000 from the prior year due to increased salary costs.

(A copy of the agreement is available in the Department's Record Center)

Mike Valde explained that this agreement is the second piece of the Small Business Assistance Program required by Section 507 of the Clean Air Act. This agreement provides actual assistance to the small business in writing the permit applications.

Motion was made by Lori Glanzman to approve the agreement as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION ADOPTION OF IOWA OPEN FEEDLOT PLAN

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

At the last Commission meeting we discussed the Iowa open feedlot registration program. This program has been adopted and implemented after discussion with the Iowa Cattlemen's Association and a wide variety of interest groups. The program has been successfully initiated. This program should be adopted into rule form by reference since it defines how the DNR will be implementing and interpreting various aspects of our rules. Attached are a notice of intended action and a copy of the Iowa plan for open feedlots.

(A copy of the notice is available in the Department's Record Center)

Mike Valde said that EPA had conducted some inspections last summer and found several open feedlots that had not been permitted despite the fact that they were required to do so. Through negotiations a registration plan was developed and because this plan will be used as a statement of general applicability or policy it needs to become a rule.

Kelly Tobin asked how many open feedlot owners had come in to register.

Wayne Geiselman said 806 had been registered to date.

Brief discussion followed.

Motion was made by Kathryn Murphy to approve the notice as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

FY01 DRINKING WATER STATE REVOLVING FUND INTENDED USE PLAN

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the fiscal year 2001 Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP).

The FY 2001 Intended Use Plan includes the list of projects proposed to receive loan assistance through the drinking water state revolving fund. The IUP is the initial step in preparing a grant request for federal funds for the FY 2001 DWSRF capitalization grant.

The Department initially received 37 applications for DWSRF funding this year. Funding for eleven projects is available in fiscal year 2001. A draft IUP was presented to the Commission in March and a public hearing was held May 17, 2001 to receive comments on the proposed project priority list. One verbal comment was received supporting the list as is. The written comment period closed on May 25, 2001. No changes were made to the project priority list as a result of the public participation process.

As noted in the IUP, 567 IAC 44.7(7) provides that no project shall be eligible for more than 50% of the total available funds in any single calendar year. The City of Sioux City requested funds in the amount of \$25,000,000 for FFY 2001. The total amount of funds available for this funding cycle is \$16,497,240 (Appendix 2 of the IUP), which would allow a maximum of \$8,248,620 to any one system on the project priority list. Working with Sioux City, the Department and the Iowa Finance Authority jointly decided to provide the requested Sioux City funding through a special bond series dedicated to this purpose, meaning the EPA capitalization grant and state match funds will be available for other projects. Therefore the intent of this provision (making sure the majority of available federal and state match funds are not dedicated to just one project) will be met. However, approval of the IUP as written will be at variance to this rule and the Commission is requested to grant a variance to this provision in approving the IUP.

(A copy of the Intended Use Plan is available in the Department's Record Center)

Mike Valde briefed the Commission on the State Revolving Fund and the request for variance for Sioux City.

Brief discussion followed.

Motion was made by James Braun to approve the intended use plan as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL ADOPTION OF RULES FOR THE CHANGES IN THE APPLICATOR CERTIFICATION PROGRAM; GRAVITY UNLOADING OF ABOVE GROUND STORAGE; AND TECHNICAL CHANGES TO CHAPTER 65

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Attached are proposed rules for three topics:

- 1) Changes in the manure applicator-training program.
- 2) Bottom unloading of above ground manure storage structures

3) Technical changes to Chapter 65

These rules have been presented to the AACO for their review and approval last fall. In addition, the Commission has approved the publishing of a notice and holding a hearing to take public input on these rules. The hearing for these rules was held on April 24, 2001. There was no public participation. The staff would recommend that the Commission adopt these rules.

(A copy of the Final Rule is available in the Department's Record Center.)

Mike Valde said this rule making will satisfy the petition for rulemaking from AO Smith Harvestore received in May of 2000 which will allow the use of a gravity unloading valve as long as there is double valve. It allows for a single expiration date in the manure application training program. Finally it adds four bodies to the list of major water sources.

Brief discussion followed.

Motion was made by James Braun to approve the rule as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report
10. Quarterly Report of the Small Business Liaison for Air Quality

Proposal	Notice to Commission	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Rule Effective
1. Ch. 13 - Waiver Rules	2/19/01	3/21/01	0573B	4/06/01	-----	4/10/01	7/16/01	7/16/01	8/08/01		9/03/01	9/12/01
2. Ch. 20, 22 - Air Quality Rules	5/21/01	6/13/01		7/10/01	7/19/01	7/27/01	8/20/01	8/20/01	9/19/01		10/02/01	10/24/01
3. Ch. 20-34 - Notice to Solicit Comments on Potential Air Quality Regulation of Animal Feeding Operations	6/18/01	7/11/01		8/07/01	8/20, 21, 27, 28 9/10, 13/01	9/21/01	10/22/01	10/22/01	11/14/01		12/03/01	12/19/01
4. Ch. 22 - Air Quality Rules - Compliance Assurance Monitoring	2/19/01	3/21/01	0572B	4/06/01	4/27/01	5/04/01	6/18/01	6/18/01	7/11/01		8/07/01	8/15/01
5. Ch. 60 - Wastewater Treatment and Disposal	*7/16/01	*8/08/01		9/03/01			10/22/01	10/22/01	11/14/01		12/03/01	12/19/01
6. Ch. 60, 64 -												

Wastewater Construction and Operation Permits	2/19/01	3/21/01	0568B	4/06/01	4/10/01	4/10/01	5/21/01	5/21/01	6/13/01		7/10/01	7/18/01
7. Ch. 61 - WQ Standards	1-16-01	2/07/01	0470B	3/09/01	2/20, 22, 26: 3/2/01	2/14/01	7/16/01	*7/16/01	8/08/01		9/03/01	9/12/01
11. Ch. 64, 65 - Operation Permit Required	7/16/01	8/08/01		9/03/01			10/22/01	10/22/01	11/14/01		12/03/01	12/19/01
8. Ch. 65 - Animal Feeding Operations	10/16/00	11/15/00	0278B	12/12/00	12/12-13 12/18-20	12/20/00	7/16/01	7/16/01	8/08/01		9/03/01	9/12/01
9. Ch. 65 - Animal Feeding Operations/Manure Applicator Certification/Freeboard	2/19/01	3/21/01	0569B	4/06/01	4/24/01	4/24/01	6/18/01	6/18/01	7/11/01		8/07/01	8/15/01
10. Ch. 65 - Manure Management Plan Extension	2/19/01	3/21/01	0570B	4/06/01	4/24/01	4/24/01	5/21/01	5/21/01	6/13/01		7/10/01	7/18/01
12. Ch. 65 - Newly Submitted Manure Management Plan	5/21/01	6/13/01		7/10/01	7/03/01	7/03/01	8/20/01	8/20/01	9/19/01		10/02/01	*10/24/01
13. Ch. 65 - Iowa Open Feedlot Registration Program	6/18/01	7/11/01		8/07/01			10/22/01	10/22/01	11/14/01		12/03/01	12/19/01
16. Ch. 102 - Permits - Emergency Response and Remedial Action Plans (ERRAP)	5/21/01	6/13/01		7/11/01	7/05/01	7/05/01	8/20/01	8/20/01	9/19/01		10/02/01	10/24/01
17. Ch. 111 - Financial Assurance Requirements for Municipal Solid Waste Landfills	11/20/00	12/27/00	0365B	1/14/01	1/16/01	1/16/01	6/18/01	6/18/01	7/11/01		8/07/01	8/15/01
18. Ch. 118 - Removal of PCBs from Appliances Prior to Processing	4/16/01	5/16/01	0668B	6/05/01	6/05/01	6/05/01	7/16/01	7/16/01	8/08/01		9/03/01	9/12/01

Monthly Variance Report

June, 2001

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	ADM Corn Processing-Clinton	Air Quality		Fuel Test	Approved	05/10/01
2	Farmers Cooperative-Lanesboro	Air Quality		Trade Waste	Denied	05/01/01
3	Osceola Foods-Osceola	Air Quality		Permit Requirements	Denied	05/09/01
4	Salisbury Chemical, Inc.-Charles City	Air Quality		Permit Requirements	Approved	05/07/01
5	Cambridge, City of	Wastewater Construction	Fox Engineering Associates, Inc.	Curtain Wall	Approved	05/14/01
6	Dyersville, City of	Wastewater Construction	IIW Engineers and Surveyors	Bar Racks and Screens	Approved	05/22/01
7	Dyersville, City of	Wastewater Construction	IIW Engineers and Surveyors	Bypass Channel Screen	Approved	05/22/01
8	Sharpsburg, City of	Wastewater Construction	Howard R. Green Co.	Number of Lagoon Cells	Approved	05/01/01
9	Sharpsburg, City of	Wastewater Construction	Howard R. Green Co.	Inter-Cell Control Structures	Approved	05/01/01
10	Sharpsburg, City of	Wastewater Construction	Howard R. Green Co.	Valve Pit	Approved	05/01/01
11	Sharpsburg, City of	Wastewater Construction	Howard R. Green Co.	Manhole Spacing	Approved	05/01/01
12	Sharpsburg, City of	Wastewater Construction	Howard R. Green Co.	Buried Discharge Valves	Approved	05/01/01
13	Sharpsburg, City of	Wastewater Construction	Howard R. Green Co.	Pond Influent Piping	Approved	05/01/01
14	Clarence Dietz Cabin-Clayton County	Flood Plain	David Schneider, Land Surveyor	Protection Level	Denied	05/17/01
15	Eldon Wilwert Cabin-Clayton County	Flood Plain	David Schneider, Land Surveyor	Protection Level	Denied	05/17/01
16	Boone County Sanitary Landfill	Solid Waste	Fox Engineering Associates, Inc.	Leachate	Approved	05/10/01
17	Henry County Landfill	Solid Waste	Carberry Environmental Services	VOC Testing	Approved	05/11/01
18	Hills Elementary School-Hills	Watersupply Construction	Howard R. Green Company	Design Basis	Approved	05/10/01
19	Oakland Municipal Water Utilities	Watersupply Construction	Snyder & Associates, Inc.	Siting Criteria	Approved	05/04/01
20	Sheldon Water Department	Watersupply Construction	Kirkham-Michael Consulting Engineers	Water Monitoring	Approved	05/14/01
21	Sheldon Water Department	Watersupply Construction	Kirkham-Michael Consulting Engineers	Design Basis	Approved	05/14/01

During the period May 1, 2001, through May 31, 2001, 110 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance				Mode				
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other
October	60 (62)	3 (6)	42 (48)	14 (5)	22 (32)	32 (23)	0 (1)	1 (2)	1 (0)	4 (4)
November	57 (64)	4 (10)	39 (38)	14 (15)	19 (26)	32 (30)	0 (1)	4 (3)	1 (1)	1 (3)
December	44 (67)	0 (10)	28 (40)	16 (17)	10 (23)	31 (34)	0 (1)	1 (4)	0 (0)	2 (5)
January	55 (41)	7 (4)	36 (27)	12 (9)	13 (13)	33 (24)	0 (1)	0 (0)	0 (0)	9 (3)
February	58 (65)	0 (3)	43 (32)	15 (30)	14 (14)	36 (48)	0 (0)	4 (0)	1 (1)	3 (2)
March	81 (96)	3 (20)	56 (64)	22 (12)	21 (43)	49 (45)	1 (2)	2 (0)	2 (0)	6 (6)
April	126 (112)	32 (39)	71 (42)	23 (31)	35 (38)	78 (63)	3 (0)	4 (0)	1 (3)	5 (8)
May	110 (97)	24 (25)	64 (59)	22 (13)	27 (38)	71 (53)	3 (0)	3 (2)	1 (0)	5 (4)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	591 (604)	73 (117)	379 (350)	138 (132)	161 (227)	362 (320)	7 (6)	19 (11)	7 (5)	35 (35)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
17	23	8	8	28	26

During the period May 1, 2001, through May 31, 2001, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	5 (6)	0 (0)	2 (3)	2 (2)	1 (1)	4 (6)	1 (0)	0 (0)	0 (0)	1 (2)
November	3 (4)	0 (0)	2 (2)	1 (1)	0 (1)	3 (3)	0 (1)	0 (0)	0 (0)	1 (0)
December	2 (2)	0 (0)	1 (1)	1 (1)	0 (0)	2 (1)	0 (1)	0 (0)	0 (0)	0 (0)
January	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	4 (1)	0 (0)	4 (1)	0 (0)	0 (0)	4 (1)	0 (0)	0 (0)	0 (0)	2 (1)
March	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)
April	6 (1)	0 (0)	3 (1)	0 (0)	3 (0)	5 (1)	1 (0)	0 (0)	0 (0)	0 (0)
May	3 (1)	0 (0)	3 (1)	0 (0)	0 (0)	3 (0)	0 (1)	0 (0)	0 (0)	0 (1)

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June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	26 (15)	0 (0)	17 (9)	5 (4)	0 (0)	23 (12)	3 (3)	0 (0)	0 (0)	4 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	1	1	1	0

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Jemco, Inc.; Bud Nelson, Audubon (4)	Underground Tank	Site Assessment	Order/Penalty \$3,570	5/2/01
Wayne Wheatley f/d/b/a Wheatley Auto & Truck Service, Walnut (4)	Underground Tank	Site Assessment	Order/Penalty \$8,900	5/2/01
Teckenburg, Inc.; Jerry Teckenburg, Cedar Rapids (1)	Underground Tank	Site Assessment	Order/Penalty \$6,380	5/2/01
Robert Helgeson, Armstrong (3)	Wastewater Drinking Water	License Discipline	Notice of Intent to Revoke Certification	5/7/01
Randy Drey, Storm Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment	5/16/01
Wiese Corporation, Perry (5)	Air Quality	Construction Without Permit	Consent Amendment	5/16/01
Johnston, City of (5)	Wastewater	Prohibited Discharge	Amended Order	5/16/01
Burco Farms, Inc., Buchanan Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; Water Quality Violations —General Criteria	Order/Penalty \$3,000	5/16/01
Carson, City of (4)	Wastewater	Discharge Limits; Operational Violations	Order	5/16/01
Logan, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Consent Amendment	5/16/01
Kind & Knox Gelatine, Inc., Sioux City (3)	Wastewater	Discharge Limits	Amended Order	5/16/01

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Arnold Hartje, Sac Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; Water Quality Violations —General Criteria	Order/Penalty \$1,000	5/16/01
Sivyer Steel Corp., Bettendorf (6)	Air Quality	Construction Without Permit; Operational Violations	Consent Order/Penalty \$4,000	5/16/01
The Fligg Corporation d/b/a Controlled Asbestos, Inc., Mount Pleasant (6)	Air Quality	Asbestos	Order/Penalty \$4,000	5/16/01
Metro Wrecking, Inc. d/b/a Metro Wrecking and Excavating, Clive (5)	Air Quality	Asbestos	Order/Penalty \$6,000	5/16/01
Vogel Paint & Wax Co., Inc., Orange City (3)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	5/16/01
Holnam, Inc. Mason City (2)	Air Quality	Particulate	Consent Amendment	5/16/01
Wellman, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	5/18/01
Adair, City of (4)	Wastewater	Discharge Limits	Order/Penalty \$3,000	5/18/01
T.V.S., Inc., Thomas R. Kockler d/b/a The Van Shack, Manly (2)	Air Quality	Operational Violations; Other	Order/Penalty \$2,000	5/18/01
Manning, City of (4)	Wastewater	Discharge Limits	Order	5/18/01
Joice Meat Processors, Joice (2)	Wastewater	Monitoring/Reporting	Order/Penalty \$150	5/18/01
F & J Mobile Home Sales; Val Vista Mobile Home Park Des Moines, (5)	Wastewater	Operational Violations	Order	5/18/01
Noble Ford Mercury, Inc., Indianola (5)	Wastewater	Discharge Limits	Order/Penalty \$5,000	5/18/01
Dostal Construction, Inc., Tama Co. (5)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$4,500	5/18/01
Al Luchtel d/b/a K & D Painting, Ltd., Carroll Co. (4)	Solid Waste Hazardous Condition	Illegal Disposal; Remedial Action	Consent Amendment	5/18/01
John Hoth, Cedar Rapids, (1)	Underground Tank	UST Closure	Order/Penalty \$9,250	5/25/01

Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz, Tama (5)	Underground Tank	Site Assessment	Order/Penalty \$10,000	5/25/01
Braun-Sachs Farms, L.L.C., Louisa Co., (6)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$1,500	5/25/01
Used Tire Sales & Service, Webster Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty \$10,000	5/25/01
Gene Moeller Oil Co., Ft. Dodge (2)	Underground Tank Wastewater	Illegal Deposit; Prohibited Discharge	Order/Penalty \$6,000	5/25/01
Bulk Petroleum Corporation d/b/a Citgo #596, Des Moines (5)	Underground Tank	Leak Detection; UST System Deficiencies	Order/Penalty \$1,600	5/25/01
Wisconsin North, LLC d/b/a National Petroleum, Inc. Clinton (6)	Underground Tank	Site Check	Order/Penalty \$5,000	5/25/01
Farmland Industries, Inc., Manson (3)	Underground Tank	Illegal Deposit	Order/Penalty \$6,000	5/25/01
Eagle Investors, LLP d/b/a Manson Ampride, Manson (3)	Underground Tank	Financial Responsibility	Order/Penalty \$4,650	5/25/01
Country Stores of Carroll, Ltd., Carroll (2)	Underground Tank	Construction Deficiencies	Order/Penalty \$4,700	11/15/00
Ron Vincent, Ft. Dodge (2)	Wastewater	Operation Without Permit	Order/Penalty \$300	11/15/00
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation, Manning (4)	Air Quality	Construction Without Permit; Asbestos	Consent Amendment	11/29/00
Envirobest, Inc., Cedar Rapids (1)	Air Quality	Asbestos	Consent Amendment	11/29/00
Hermitage Homes, Inc., Bettendorf (6)	Wastewater	Stormwater – Pollution Prevention Plan	Order/Penalty \$5,000	11/29/00
Sheaffer Manufacturing Co. d/b/a Sheaffer Pen Corp., Ft. Madison (6)	Air Quality	Construction Without Permit	Order/Penalty \$2,000	11/29/00
Metro Wrecking, Inc. d/b/a Metro Wrecking and Excavating, Des Moines (5)	Air Quality	Asbestos	Order/Penalty \$1,500	11/29/00
Rohlin Construction Co., Inc., Estherville (3)	Air Quality	Construction Without Permit	Order/Penalty \$10,000	11/29/00

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James Harter, Brighton (6)	Wastewater	Stormwater – Operation Without Permit	Referred to AG	11/20/00
Johnston, City of (5)	Wastewater	Prohibited Discharge; Discharge Limits	Order	11/29/00
Super 20 Mobile Home Park, Dubuque (1)	Drinking Water	Public Notice	Order/Penalty \$500	11/29/00
Hitter's Sports Park, Cedar Rapids (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$300	11/29/00
Independence Mobile Home Park, Independence (1)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Operational Violations; Permit Renewal Fees; Public Notice	Order/Penalty \$800	11/29/00
Mid River Marina, Swisher (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty \$250	11/29/00

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Country Hills Water Corporation (Peosta)	WS	500	6-12-00
Martin Marietta Materials, Inc. (Ames)	AQ	5,000	6-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
Larrabee, City of	WS	250	9-11-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Mid River Marina (Swisher)	WS	250	2-03-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
* Robert Simon (Dubuque Co.)	AQ/SW	1,600	3-02-01
# Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	3,000	3-03-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
* Lorene Logue (Lucas Co.)	AQ/SW	125	3-15-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,500	5-15-01

* Seven Ponds Park (Sperry)	WS	300	4-15-01
Melsha Tap, Inc. (Swisher)	WS	300	5-06-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Al Luchtel d/b/a K & D Painting, Ltd. (Carroll)	SW/HC	1,500	5-11-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Grace Community Church (North Liberty)	WS	500	5-14-01
* Michael Roberts (Page Co.)	AQ	325	6-15-01
* R.V. Hopkins, Inc. (Davenport)	AQ	700	5-16-01
Denny Wessels d/b/a Denny Wessels Transport (Bancroft)	UT	900	6-05-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Wiese Corporation (Perry)	AQ	1,500	6-15-01
Randy Drey (Storm Lake)	AQ/SW	500	6-15-01
# Joe and Jerry Rabe d/b/a Rabe Excavating (Blairstown)	AFO	1,000	6-15-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
* Edward Degeus (Britt)	AQ	1,000	7-01-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
# Arnold Hartje (Storm Lake)	AFO	1,000	7-18-01
Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	6,000	7-18-01
Fligg Corp. d/b/a Controlled Asbestos (Mt. Pleasant)	AQ	4,000	7-20-01
* Top of Iowa Cooperative (Hanlontown)	AQ	500	9-01-01
Max Dalhauser (West Bend)	UT	670	-----
Independence Mobile Home Park (Independence)	WS	800	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000	-----
Vogel Paint & Wax Co., Inc. (Orange City)	AQ	3,000	-----
Noble Ford Mercury, Inc. (Indianola)	WW	5,000	-----
Joice Meat Processors (Joice)	WW	150	-----
Adair, City of	WW	3,000	-----
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	-----
Dostal Construction, Inc. (Tama Co.)	AQ/SW	4,500	-----
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000	-----
John Hoth (Tama)	UT	9,250	-----
# Braun-Sachs Farms, L.L.C. (Louisa Co.)	AFO	1,500	-----
Used Tire Sales & Service (Webster Co.)	SW	10,000	-----
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000	-----
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600	-----
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	-----
Farmland Industries, Inc. (Manson)	UT	6,000	-----
Eagle Investors dba Manson Ampride (Manson)	UT	4,650	-----
TOTAL		216,850	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCOP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Iowa Air National Guard - 185 th Fighter Wing (Sioux City)	AQ	1,000	
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96

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Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
TOTAL		171,904	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Sac City, City of	WW	4,000
Pathway Christian School (Kalona)	WS	500
West Liberty, City of	WW	5,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000

# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Minnesota Rubber Company (Mason City)	AQ	3,000
New Virginia Sanitary District (New Virginia)	WW	5,000
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000
LT Tap (Waucoma)	WS	500
Iowa State University Heating Plant (Ames)	AQ	1,000
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Martin Marietta Material, Inc. (Ames)	AQ	5,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Bettendorf, City of	WW	1,000
Quality Mat Co., Inc. (Waterloo)	AQ	8,500
Ajinomoto USA (Eddyville)	AQ	4,000
Boondocks Truck Haven (Williams)	WS	2,750
# Dan Witt (Clinton Co.)	AFO	3,000
Shell Rock Products, Inc. (Milford)	AQ	10,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Kinderland, Inc. (Dubuque)	WS	1,500
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Casey's General Stores, Inc. (Waukee)	UT	3,800
Charles City, City of	WW	5,000
All-States Quality Foods, L.P. (Charles City)	WW	10,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
J.W. Ready Mix and Construction, Inc. (Ft. Dodge)	AQ	1,000
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000
Knox Corporation (Davenport)	UT	6,700
McDonald Construction, Inc.; Dwight McDonald (Eldora)	WW	2,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
L & L Book Properties; Larry L. Book (Sioux City)	WW	8,000
Braddyville, City of	WW	3,500
Westbrooke Construction Co.; Speer and Lepic (Polk Co.)	WW	4,000
Winter, Inc.; Julius Winter (Iowa Falls)	AQ/SW	500
Sapp Development LLC; Todd Sapp (Sioux City)	WW	1,500
Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	5,000
John Saathoff (Grafton)	AQ	500
Don Anderson; Brentwood L.L.C. (Polk Co.)	WW	8,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Kay Enterprises, Inc. (Janesville)	AQ	10,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000

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Forest City Cow Palace and Chuck Wagon Café (Forest City)	WS	250
# Gary Stutzman (Washington Co.)	AFO	1,500
Casey's General Stores, Inc. (Aplington)	UT	2,500
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Envirobate Management Services (Johnston)	AQ	3,000
Jefferson, City of	WW	5,000
G. Michael Traul (Ottumwa)	UT	860
Onawa Country Club (Onawa)	WS	1,500
James Kitchen d/b/a Kitchen Construction (Howard Co.)	AQ/SW/FP	10,000
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
McGill Asbestos Abatement Co. (Harlan)	AQ	4,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
TOTAL		487,990

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000
Lifeline Emergency Vehicles, Inc. (Sumner)	AQ	5,000
Wendall Abkes (Butler Co.)	AQ/SW	1,300
Weber Construction, Inc. (Cascade)	AQ	1,750
Kathy's Korner (Dewar)	WS	500
Leonard C. Page (Adams Co.)	SW	250
* Lorene Logue (Lucas Co.)	AQ/SW	75
Open Bible Conference Ground (Ventura)	WS	250
Pella Corporation (Carroll Co.)	UT	4,320
Malvern, City of	WW	1,000
R T & T, Inc. (Bancroft)	UT	600
Central Iowa Water Association (Kellogg)	WS/WW	500
# DEBCO, Inc. (Crawford Co.)	AFO	2,000
# Milk Unlimited Dairy Farm (Cass Co.)	AFO	3,000
Meadowknolls Addition (Linn Co.)	WS	400
*#Roger Bockes, et. al. (Tama Co.)	AFO	250
Biovance Technologies, Inc. (Oskaloosa)	AQ	1,000
* Michael Roberts (Page Co.)	AQ	75
Sivyer Steel Corporation (Bettendorf)	AQ	4,000
* R.V. Hopkins, Inc. (Davenport)	AQ	500
West Central Cooperative (Ralston)	WW	2,000
TOTAL		29,770

The \$1,000 penalty assessed to the Iowa National Guard - 185th Fighter Wing (Sioux City) was rescinded. They donated \$1,200 worth of trees to an Earth Day project in lieu of the \$1,000 penalty.

The \$3,000 penalty assessed to Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.) has been waived.

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
10 th Hole Food & Spirits Calamus	Drinking Water	Monitoring/Reporting - Bacteria, Nitrate	Order/Penalty	Referred	3/19/01
Affordable Removal, Inc.; Jeffrey Intelkofer Iowa City	Asbestos				
UPDATED	(6)	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 2/04/02

Affordable Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Asbestos	Air Quality	DNR Defendant	Defense	Petition Filed Answer	12/28/00 1/18/01
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00	
Condon, Robert G.; Home Asbestos and Lead Abatement West Des Moines (5) UPDATED	Air Quality	Asbestos	Order/Penalty	Referred Case Closed	4/16/01 5/07/01	
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order	Referred	2/19/01	
Harter, James Brighton UPDATED	(6) Wastewater	Stormwater Operation Without Permit	Order/Penalty	Referred Motion for Judgment Hearing Date	11/20/00 05/04/01 07/16/01	
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99	
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96	
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Trial	4/17/00 9/27/00 10/10/01	
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer	5/17/99 11/02/00 12/07/00	
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/99	
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/01	
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99	

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Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) UPDATED	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6) UPDATED	Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred Petition Filed Consent Decree (\$4,400/Admin. and Injunction)	3/20/00 8/01/00 5/29/01
Phillips, Jeff; Phillips Recycling Story Co. (5) UPDATED	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred Petition Filed Judgment on Default (\$1,800/Admin. and Injunction)	8/16/99 9/12/00 5/29/01
Rustad, Arlyn; Rustad Farms, Inc. Northwood (2)	Animal Feeding Operation	Confinement – Feedlot; General Criteria	Order/Penalty	Referred	1/16/01
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 8/01/01
Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Repo rting – Bacteria	Order/Penalty	Referred	4/16/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Ida Grove (3)	Hazardous Condition	Site Other	Access; Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction	6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00

Denial of Defendant's Motion to Dismiss	11/07/00
Temporary Injunction Granted	11/07/00
Motion for Summary Judgment	2/20/01
Hearing	4/27/01

Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Entry Default	5/17/99 9/12/00 2/19/01
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Date Received	Name of Case	F O	Action Appealed	Program	Assigned to	Status
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Tack	Settlement offer to be renewed 3/00.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues. 2/5/01 – WW drafting new permit. 4/30/01 – WW contacted regarding status of new permit. Draft permit sent for City review and public notice on 4/19/01.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Release of closure funds approved by court. Case to be closed when transfer complete.

10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues. 3/27/01 – Revised treatment agreement entered into between Titan and City of Walcott. 5/31/01 – FO contacted regarding appeal resolution.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit. 4/30/01 – Status report requested from WW section engineer. 5/1/01 – Company engineer needs to provide further information to process permit. Engineer was contacted and agreed to provide requested information.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Release of closure funds approved by court. Case to be closed when transfer complete.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system currently being designed.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for

						submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule. 4/1/01 – City to begin work on Plan of Action. 10/31/01 – City to submit Plan of Action to Dept. for review.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settled pursuant to 1997 agreement. \$250 settlement received. Case closed.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 – Report on compliance requested from FO. 2/7/00 – Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O. 5/1/01 – FO contacted regarding resolution of appeal. F.O. response. Facility has been sold. Mr. Foreman filed bankruptcy and his location is unknown. Penalty waived. Appeal closed.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney. 5/1/01 – Letter to company attorney regarding settlement. 5/16/01 – Company attorney contacted Dept. to discuss appeal.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Penalty settlement paid in full.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00. 5/1/01 – Letter to City attorney regarding settlement. 5/30/01 – Follow-up letter sent to City attorney.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
3/11/96	Dallas County Care	5	Admin. Order/Penalty	WW	Hansen	4/01 – FO5 inspection. Facility is not in

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	Facility					compliance.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 0 FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	5/10/01 – Letter to company regarding resolution of appeal.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 – Appeal to be closed. New owner.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty paid 5/23/01. Closed.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3. 2/28/00 – Settlement offer sent to attorney. 3/28/00 – City attorney letter received. 3/29/00 – Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 – Dept. meeting with City attorney and officials to discuss settlement. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/20/00. 9/11/00 – City attorney filed motion for continuance to discuss settlement further. Hearing reschedule for 11/27/00. 11/22/00 – Settled. City to contribute \$2,400 for SEP to Sac Co. Conservation Board and repair biodisc at City's WWTF. Settlement to be placed in administrative consent order. Consent

						order drafted. 4/27/01 – Consent order sent to City attorney for Mayor's signature. 5/29/01 Signed consent order received from City attorney. 5/29/01 – Consent order sent to Director for signature.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal. 5/1/01 – Status report requested from WS section regarding compliance. 5/31/01 – Status report requested from WS section concerning compliance. WS section reports facility is in compliance with monitoring requirements.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Brabec	Settled. Consent amendment signed. Awaiting penalty payment..
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received. 3/9/01 – Settlement offer sent by Dept. 4/27/01 – U of I agreed in telephone conversation to send letter stating agreement with proposed permit amendment and requesting dismissal of appeal. 5/29/01 – U of I informed Dept. that letter withdrawing appeal would be sent by 5/31/01. Amended permit will then be issued by Dept.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff. 3/01 and 4/01 – Enforcement/settlement discussions among Dept. staff. 5/8/01 – Settlement offer sent to City attorney. 5/23/01 – Meeting held to discuss settlement offer.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/W S	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.

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12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 – Appellant's attorney requests additional time for expert consultation.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	5/31/01 – Company completed SEP project; facility has been liquidated and sold. Case closed.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	5/1/01 – City progressing on facility improvements. Will monitor for progress.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	5/17/01 – Response to Dept. settlement invitation received.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	2/8/01 – Settlement offer by Daly. 2/27/01 Counter offer by Dept. 5/11/01 – Revised settlement offer by Daly.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 – EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Record forwarded to Linn County Court and case given to the Attorney General. Judicial review briefs have been filed.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.

9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer. 3/5/01 – Letter sent regarding resolution of appeal and Dept. position on appeal issues. 5/11/01 – Follow-up letter sent regarding appeal.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	5/1/01 – New MCL violation; letter to be sent.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00. 11/22/00 – Settled. Agreement to be place in administrative consent order. 1/29/01 – Consent order drafted and being reviewed by DNR staff. 3/28/01 – Dept. letter and consent order to City for signature. 5/01/01 – City contacted regarding status of Mayor signing consent order. 5/30/01 – Letter received from City engineer requesting revision of schedule in consent order.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule. 10/25/00- New schedule received from City's engineer and approved by Dept. New schedule incorporated into proposed consent order. 12/20/00 – Minor adjustments to schedule by City engineer. 4/30/01 – Signed consent order received. Awaiting Director's signature. 5/30/01 – Consent order signed and issued. Letter sent to City attorney closing appeal.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01.
11/15/99	Rocky Knoll Mobile Home	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty

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	Park					negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Settled. Consent amendment issued. Penalty payment schedule established and on schedule.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	\$1,300 penalty settlement paid 5/2/01. Case closed.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	5/31/01 – Facility upgrade is proceeding; will monitor progress.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	5/31/01 – Permit close to being issued; penalty settlement will be discussed at that time.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Penalty settled for \$400. 5/17/01 – Penalty received. Closed.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	Proposed decision appealed by Bee Rite. Appeal upheld by EPC 5/21/01.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing postponed until 7/17/01.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	Setting meeting for May.
4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report. 2/28/01 – Dept.

						received City's preliminary engineering report. 3/2/01 – Dept. letter requesting a schedule G be submitted to complete the report. 3/7/01 – Incomplete schedule G submitted. 3/8/01 – Dept. letter of comments and request that schedule G be resubmitted with required information. 3/9/01 – Revised schedule G submitted. 4/30/01 – WW permit section engineer completed review of revised preliminary engineering report and drafted comment letter. 5/1/01 – Comment letter sent to City by Dept. engineer concerning review of preliminary engineering report.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
5/04/00	Iowa State University Heating Plant	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiations continue.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
5/12/00	Iowa Air National Guard – 185th Fighter Wing	3	Admin. Order/Penalty	AQ	Brabec	Settled. Consent amendment issued. Awaiting documentation that tree planting (in lieu of penalty) has taken place. 5/10/01 – Documentation received verifying tree planting. Closed.
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/08/00	Ajinomoto	6	Admin. Order/Penalty	AQ	Brabec	Waiting for company's reply to April letter.
6/14/00	Bettendorf, City of	6	Admin. Order/Penalty	WW	Hansen	11/3/00 – Settled. Consent order drafted for signature by parties. 12/00 – Order signed and issued. 4/27/01 – City attorney mailed motion to dismiss to ALJ to close appeal. 5/4/01 – ALJ dismissal order. Closed.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Brabec	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision.
7/10/00	Boondocks Truck Haven Café	5	Admin. Order/Penalty	WS	Hansen	Compliance initiated by facility. 9/00 – per attorney for café, disinfection system installed. 10/2/00 – FO 2 report as-builts need to be submitted for chlorination system and bacteria sampling plan needs to be updated. WS has begun submitting monthly reports. New WS permit to be issued. 3/23/01 – FO 2 inspection of new chlorination equipment. 4/6/01 – New WS operation permit issued. 4/18/01 – FO to visit WS. 5/01 – Facility returned to compliance.

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7/10/00	Lincoln, City of	5	Admin. Order	WW	Hansen	10/5/00 – FO 5 to set up meeting with City to discuss resolving appeal. 11/21/00 – FO 5 requests that case be sent to DIA to be set for hearing. 5/1/01- City engineer has not submitted final engineering report. 5/1/01 – Notice of appeal sent to DIA to be set for hearing. 5/11/01 – Hearing set for 6/29/01.
7/12/00	Malvern, City of	4	Admin. Order/Penalty	WW	Hansen	Informal settlement meeting set for 10/12/00 at FO 4 to discuss schedule, penalty and SEPs. Dept to submit settlement offer to City. Hearing reset for 12/20/00. 12/18/00 – Settled. 1/29/01 – Consent order signed by both parties. 4/27/01 – Dept. sent joint motion to dismiss to City attorney with request he sign and send to ALJ to close appeal. 5/02/01 – ALJ dismissal order.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/00	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 6/25/01.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Loyal and Marilyn Rue; James and Elizabeth Fritz; De. Stephen McCargar; William and Jo Iverson; Dennis Pottratz; Cynthia Kay; Elyse Cohrs; Deanna Kloster; and Frank Holland (Wal-Mart)	1	Permit Issuance	FP	Clark	12/12/00 – Proposed decision. 1/13/01 – Appealed to EPC. 4/16/01 – EPC decision. 5/15/01 – Rehearing request. 5/21/01 – No action by EPC regarding rehearing. 5/25/01 – Rehearing request deemed denied.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/07/00	Iowa City, City of	6	Consent Order	WW	Murphy	3/27/01 – Letter to City approving SEP.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	5/01/01 – WS still not in compliance with all monitoring requirements. 5/01/01 – Sent to DIA to be set for hearing. 5/9/01 – Progress report on connection to alternate water source received. 5/11/01 – Hearing set for 7/3/01.
9/29/00	Charles City, City of	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	Hearing continued. 5/31/01 – Preliminary engineering report submitted.

10/03/00	Casey's General Store (Waukeg)	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
10/03/00	All-States Quality Foods	2	Admin. Order/Penalty	WW	Murphy	5/1/01 – Settlement proposal under review.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/04/00	Krajicek, Inc. d/b/a Krajicek Bros.; Sara and Leonard Krajicek	4	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section. 2/17/01 – WS to draft new permit to allow use of temporary pellet chlorinators until rural water becomes available. 5/1/01 – Permit status requested from WS section.
10/05/00	J.W. Ready Mix & Construction	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiations continue.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 11/14/00.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/13/00	L & L Book Properties, L.C.	3	Admin. Order/Penalty	WW	Murphy	5/31/01 – Settled. Awaiting SEP payment.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review.
11/17/00	McDonald Construction	2	Admin. Order/Penalty	WW	Tack	\$2,000 penalty settled for \$1,000; due 5/1/01.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	Settlement conference held 1/17/01. Settlement offer drafted. 2/14/01 – WS completed public notice of violations. 5/1/01 – Settlement offer discussed with attorney for WS. 5/22/01 – Counter offer by WS discussed with attorney. Letter to follow confirming discussion.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Partial compliance. Negotiate penalty.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Partial compliance achieved. Waiting for alternative resolution proposal from Fansteel.

Environmental Protection Commission Minutes

June 2001

11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01. Preliminary engineering report submitted 5/31/01.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	4/30/01 – FO4 contacted regarding appeal and facility compliance with order. 5/10/01 – Sent to DIA to be set for hearing.
12/11/00	Westbrooke Construction Co.	5	Admin. Order/Penalty	WW	Murphy	Settlement letter sent 4/26/01.
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	Discovery sent. Hearing requested.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Brabec	Facility intends to resubmit the application.
12/21/00	Winter, Inc.; Julius Winter	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
12/27/01	West Central Cooperative		Permit Denial	AQ	Preziosi	Negotiating before filing.
12/29/00	Johnston, City of	5	Admin. order	WW	Hansen	2/1/01 – Meeting with City Administrator and Engineer. 2/1/01 – Petition to intervene filed with DIA. 4/20/01 – Letter to attorney who filed Petition to Intervene. 5/19/01 – Amended order issued changing facility plan submittal date to 10/01/01. Letter from City stated if extension granted appeal would be dismissed. 5/17/01 – Letter to City considering appeal dismissed. Closed.
1/08/01	Todd Sapp; Sapp Development L.C.	3	Admin. Order/Penalty	WW	Murphy	Settled. SEP payment to Woodbury CCB.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/22/01	Country Fresh Eggs, L.L.C.	2	Permit Denial	WW	Murphy	ALJ decision 4/26/01 affirming permit denial. Appeal withdrawn 5/17/01. Case closed.
1/22/01	Richard Bockes	5	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/SW	Tack	Clean-up of site completed. Penalty discussions continuing.
2/07/01	Randy Drey	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Consent amendment signed. Awaiting penalty payment..
2/08/01	Con Agra	2	Permit Conditions	WW	Hansen	4/30/01 – Settled. Company to send letter stating agreement with proposed permit amendment and withdrawing appeal. 5/2/01 – Letter received withdrawing appeal. 5/4/01 – permit amendment issued. 5/5/01 – Letter sent regarding amendment and closing appeal. Closed.

2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
2/23/01	Don Anderson; Brentwood L.L.C.	5	Admin. Order/Penalty	WW	Murphy	Hearing continued to 7/23/01.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	5/1/01 – FO5 contacted regarding settlement and compliance with order. 5/11/01 – Letter to City engineer regarding settlement of penalty upon completion of upgrade. 5/21/01 – City engineer letter stating they would hold appeal in abeyance pending completion of upgrade.
3/22/01	Kay Enterprises, Inc.	1	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing. Settlement meeting set for 5/14/01. Company has until July 1 to submit counter offer. Busy season reason for delayed response.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	3/28/01 – WW permits contacted for information on appeal issues. 5/8/01 – City Clerk and operator contacted concerning appeal.
3/28/01	Jefferson, City of	4	Admin. Order/Penalty	WW	Hansen	City to submit Plan of Action by 5/15/01. 5/01 – Plan of action received.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal.
4/05/01	Gary Stutzman	6	Admin. Order/Penalty	AFO	Clark	4/17/01 – Settlement confirmed. Payment due 5/1/01.
4/06/01	DEBCO Corp.	4	Admin. Order/Penalty	AFO	Clark	4/18/01 – Settled. Payment plan established. 5/16/01 – Penalty received. Closed.
4/10/01	Casey's General Stores (Aplington)	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
4/16/01	Forest City Cow Palace and Chuck Wagon Café	2	Admin. Order/Penalty	WS	Hansen	4/10/01 – Discussion with café owner regarding appeal procedures and settlement. 5/18/01 – Facility sampled 1st quarter 2001; returned to compliance.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/W W	Tack	Negotiating before filing.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and	4	Admin. Order/Penalty	WS	Tack	New case.

	Golf Course					
5/01/01	G. Michael Traul	6	Admin. Order/Penalty	UT	Wornson	New case.
5/03/01	Harlan Municipal Utilities (Hallett)	4	Water Use Permit	WR	Clark	New case. 5/15/01 – Sent to DIA.
5/04/01	EnviroBate Management Services	5	Admin. Order/Penalty	AQ	Brabec	New case. Work with facility to set up meeting.
5/07/01	James Kitchen; Kitchen Construction	1	Admin. Order/Penalty	SW/AQ/FP	Tack	New case.
5/07/01	McGill Asbestos Abatement	4	Admin. Order/Penalty	AQ	Brabec	New case. Working with facility to set up meeting.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	New case.
5/10/01	Hackert's Wood Products, Inc.	6	Permit Denial	FP	Clark	New case.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	New case.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	New case
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	New case.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	New case.

During the period May 1, 2001, through May 31, 2001, 8 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	5(0)	1.4	1.4	4	0(0)
November	1(0)	10	0.001	1	0(0)
December	1(0)	1	.015	1	0(0)
January	5(0)	1.4	.323	3	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	8(0)	0.27	0.09	4	0(0)
June					
July					
August					
September					

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	2	0	5	1

Third Quarter Report**A. Resignation - Liaison:**

Linda King, Liaison for the past four years resigned, leaving February 2, 2001. Ms Timmins, Regulatory Assistance Coordinator, subsequently initiated the recruitment, selection and hiring process. Upon completing the internal 5-day posting period per IDOP collective bargaining agreement the position was advertised in the Des Moines Register newspaper. Resumes were then reviewed and selected for those candidates meeting the “baseline requirements” for desired experience, skill set and ability to best fulfill the requirements of the position. Candidate names selected for interviews were then shared with IDED director’s office, Business Development Division Administrator and IDNR. (Note: DNR Director Vonk at the last quarterly DNR/DED meeting requested DNR participation in the selection process which Director Niles agreed to. Teresa Hay McMahon, Special Assistant to Director Vonk subsequently participated in the process.) Ten interviews were held. The hiring process was subsequently delayed for a short time period to allow DNR to address the potential impact of the state budgeting situation upon the program and position. Pete Hamlin, Air Quality Bureau Chief, subsequently confirmed with Ms. Timmins on April 24, 2001 that DNR would keep the program at DED and to proceed with the selection process. Ms. Timmins is currently awaiting authorization from Director Niles to make a formal offer to the recommended candidate.

B. RFP – responses to solicitation

Over 150 rfps were sent for soliciting expert consulting services for identifying best communications and marketing practices for assisting small business to become informed, and comply with applicable 1990 Clean Air Act Amendment requirements. DNR Air Quality Bureau and Land Quality and Waste Management Assistance were contacted for potential contractors to send the rfp to. The date for responding to the rfp closed April 30, 2001. Since that time, the two vendor solicitations have been reviewed. In addition, a first interview for the potential vendor to “walk-through” their proposal has been conducted. It was clarified for the vendors that actual selection would take place once the Liaison position was filled. Program kick off for this will be done in conjunction with the Liaison and DNR.

C. Website development

Integrated web site improvements are ongoing. Ms. Timmins is currently working with IowaI (formerly Iowa Interactive and functionally part of ITD) to update web content, and “look and flow” for the Regulatory Assistance Team and Liaison. It is anticipated IowaI will have a test

website available in the not too distant future. (Note, improvements will be integrated with IDED website standards and branding consistent with DED communications manager approval. "Best Practices" of other state's Liaison's web sites are also being surveyed.

If you have any questions, please feel free to contact Sherry Timmins at 515/242-4901.

Mike Valde reviewed the monthly reports for the Commission.

Terry Townsend said there was an error on page 10 of the Contested Cases Report, referencing Bee Rite Tires Disposal, where it read, "appeal upheld by EPC 5/21/01." He said it should read that the decision was upheld by EPC 5/21/01.

INFORMATION ONLY

GENERAL DISCUSSION

Lisa Davis Cook said she would like the Commission to be aware that she has gone back to work fulltime as the Director of Iowa Citizen Action Network (ICAN). She said during the confirmation process there was some question of conflict of interest between her work with ICAN and serving on the EPC. She said she believes there will be no conflict of interest but if there is ever an issue that might be questionable that she would recuse herself from any votes.

James Braun said he had spoken with Liz Christiansen concerning the landfill matter and the technical review board that might be set up and she thought it would be a good idea to have someone from the EPC or the Iowa Environmental Council to serve on it.

Terry Townsend said if anyone was interested in serving on the board to let him know.

NEXT MEETING DATES

July 16, 2001

August 20, 2001

September 17, 2001

ADJOURNMENT

<i>Motion was made by Darrell Hanson to adjourn the meeting. Seconded by Lisa Davis Cook. Motion carried unanimously.</i>

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 2:55 p.m., Monday, June 18, 2001.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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